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Strawberry fields forever?

disappearing agricultural land

Also:
Restoring the Delta

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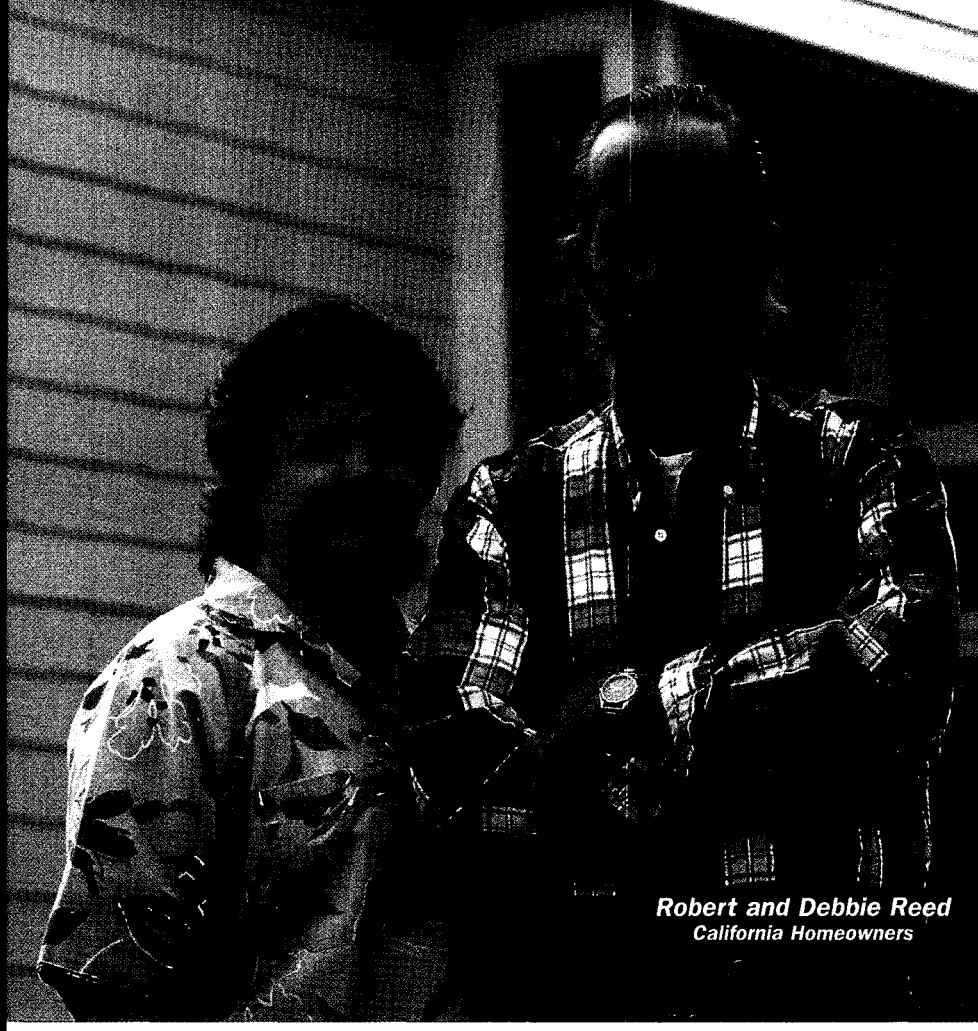
"We can't believe corrosive water destroyed our copper plumbing pipes four times in less than ten years."



Robert and Debbie Reed
California Homeowners

California water can destroy copper pipe. Let's make sure Californians retain the right to choose a permanent solution.

Many California communities are plagued with highly acidic drinking water and/or corrosive soil that can cause copper pipes to fail in less than three years. The Reed's costly problem is not unusual. In fact, nearly all of their neighbors have had similar problems.

"We can't continue to spend thousands of dollars every few years to replace copper pipes," the Reeds say. "Luckily, we were able to take advantage of legislation passed in 1995 that gave us the option to use CPVC pipe. We no longer have to wonder if we are going to come home to leaking pipes and water-soaked walls. How can they take that right away from our neighbors?"

CPVC pipe is regularly used for home drinking water systems throughout the United States – except in California. Because of special interest politics, the urgency legislation that made this reliable, permanent solution available for homeowners will expire at the end of this year. Assembly Bill 942 (Miller) would make permanent the CPVC option and could help restore the public's faith in common sense government.

The clock is running. For additional information about this important issue, call Mark Bogetich at (916) 446-6667.

Coalition for Consumer Choice

YES on CPVC pipe. YES on AB 942.

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May 1997
VOLUME XXVIII, NUMBER 5

California JOURNAL

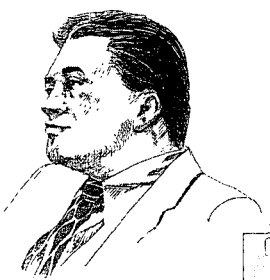
STATENET publications
Independent analysis of politics and government

3 Silicon Power

California's high-tech community jumped into the political waters with both feet last year. Now some members are looking to get in even deeper.
By John Borland

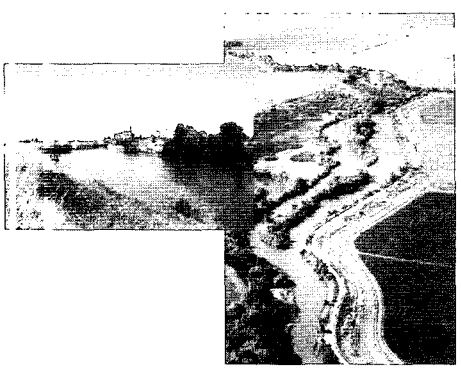
16 Strawberry Fields Forever?

The relentless march of development is gobbling up agricultural land at a rate that has some wondering if there will be enough farmland left to feed California.
By Noel Brinkerhoff



30 Byron Sher

The Palo Alto senator and Stanford law professor is arguably the Legislature's most influential voice on environmental matters.
By Mark Simon



31 Keith Olberg

The High Desert conservative assemblyman has been a central figure in Republican efforts to make the state's environmental laws more "business-friendly.".
By Sigrid Bathen

36 Restoring the Delta

The estuary at the heart of California's water system is in trouble. Can a process established to save it find common ground among California's traditional water warriors?
By Steve Scott

Up Front	4
Two Cents	5
Rostrum	6
The Bottom Line	14
Southern Exposure	29
Washington Perspective	44

Photography by Rich Pedroncelli

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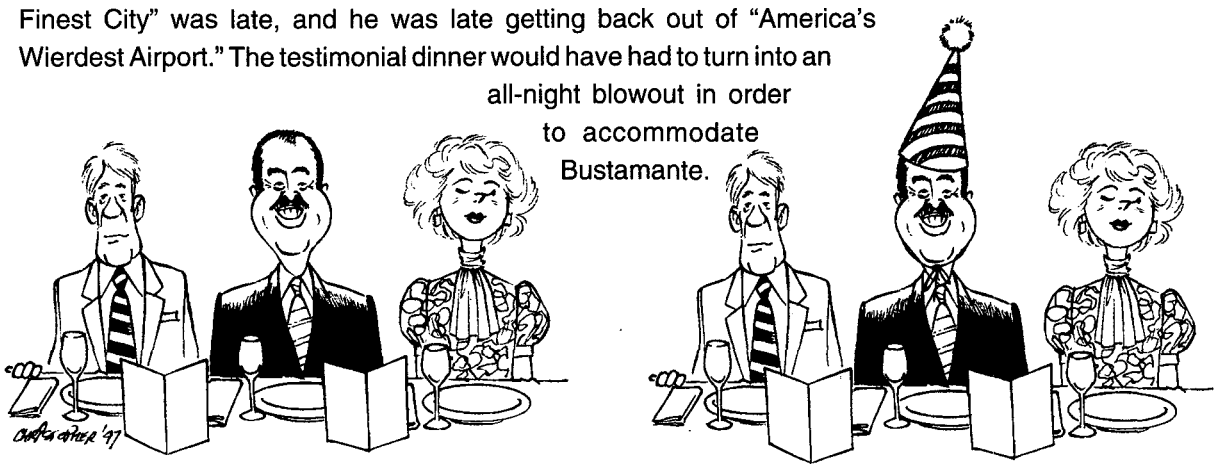
Upfront
umbrage

One for the trophy case. Remember Phil Angelides? He's the developer and former state Democratic Party chief who was beaten by Matt Fong in the 1994 race for state treasurer. Well, Angelides is back in the running for some, as-yet-undetermined statewide office, now that he's personally fixed the Sacramento City Unified School District Board of Education. Last year, Angelides headed a group of Sacramento poobahs who hand-picked, funded, and helped elect four school board members that were to their liking. By most accounts, the board needed fixing, but it turns out Angelides got something out of the deal. By an amazing coincidence, the new school board, stacked with his candidates, conferred an award on Angelides, naming him "a champion of children and of educational excellence." Wow! Nobody saw that one coming. What do you want to bet Angelides plasters that "completely unsolicited testimonial" on everything he mails out or puts on television. Just remember what your mother used to say: "Consider the source."

Ray-onics. Anyone following the ongoing ebonics controversy closely is aware that state Senator Ray Haynes (R-Riverside) has become the self-appointed standard bearer of standard English. Well it seems the ersatz Professor Higgins, or someone on his staff, could do with a little "book-learnin'" themselves. A news conference announcement from Haynes' office, as reported in the *Los Angeles Times*, offers an invitation to "all news mediums." This invitation would seem to limit attendance to the likes of Edgar Cayce or the Amazing Kreskin. Possibly it is meant to keep anyone who wears outsized clothing from attending. Or does it perhaps suggest that Professor Haynes should be a little more careful about what emerges from his own glass house?

Electronic grapevine. It's tough to keep a disgruntled employee down these days. Apparently conservative talk-show host Tom Sullivan has spent considerable air time recently blasting state Controller Kathleen Connell for a host of what he sees as political and personal failings. The criticisms apparently struck a nerve with some unhappy underlings in Connell's office, because Sullivan says he's been deluged with calls and cards — from the inside — agreeing with him. Sullivan also has a web site where listeners can post their own rants and several correspondents who say they work in the controller's office have used the space to vent their own frustrations against the big C. It ain't pretty. Curious webheads can find the complaints at http://www.tomsullivan.com — pick the Webforum section, and look for "Talk to Tom."

Cloning Cruz. Perhaps they've carried this cloning thing farther than we think. How else could Assembly Speaker Cruz Bustamante (D-Fresno) have scheduled himself into two places at the same time? According to separate press releases, the speaker was set to show up at a birthday party/fund raiser in San Diego and at dinner honoring Dr. Ruben Zacarias in Los Angeles — both to be held on March 21 between 6 and 9 p.m. Remarkably, Bustamante's office insisted he planned to honor both of his commitments, despite the 120 mile gap between them. The San Diego party was sponsored by Assemblywoman Denise Ducheny (D-San Diego); the Los Angeles affair was under the auspices of the Mexican-American Opportunities Foundation. And the winner of the "Bustamante Pull"? The San Diego birthday party, but Bustamante can still at least claim it was out of his hands. His plane into "America's Finest City" was late, and he was late getting back out of "America's Wierdest Airport." The testimonial dinner would have had to turn into an all-night blowout in order to accommodate Bustamante.



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Two Cents
commentary

Frank Fat

In the political universe, there is no substitute for sublime irony. It is the reality check which, at inopportune moments, intrudes into the rhetoric of the day. And so it was last month with the news that Frank Fat had died a month short of his 93rd birthday.

During a working life that spanned more than half a century, Frank Fat rose from teenage immigrant to Sutter Club dishwasher to Chicagoland waiter and laundry manager to famed Sacramento restauranteur. His premier establishment — Frank Fat's — first opened for business at its L Street site in 1939, two blocks from the Capitol in the heart of what was then Sacramento's Skid Row. But Fat's quickly attracted the crowd of politicians and lobbyists who, over the course of 50-plus years, transformed a mere eating establishment into an institution. The restaurant's enduring success was due in part to location. But it was due mostly to the affable, infectious good nature of its owner.

Frank Fat never allowed his own liberal view of the world to interfere with his determination to create a pleasant refuge from the Capitol's partisan wars. Republicans, Democrats, lobbyists, reporters, crusaders, detractors and sycophants all were welcome in a place where it was understood that the day's rages and outrages were to be left outside the door. It helped, of course, that Fat's had a long bar well-stocked with lubricants. Fat himself was a bipartisan businessman who counted among his friends the likes of Democrats Willie Brown Jr. and Pat Brown and Republicans Earl Warren and Ken Maddy.

But Frank Fat was something else.

Born Dong Sai-Fat in the KwangTung Province of then-Imperial China in May 1904, Fat landed in the United States in 1919, gaining entry under a set of false papers and a false name — Wong. As such, he was an illegal alien who, for all his fame and political connections, did not gain his citizenship until the federal government instituted an amnesty program in the 1970s.

In the current political climate, immigration is very much in the news, and the rhetoric aimed at those who enter California illegally seems to occupy an extraordinary amount of time and space. After all, demagoguing the issue — pointing out that "they" keep coming — has made for good election-year politics in the 1990s. Yet, among California's "they" was Frank Fat, whose life symbolized the contributions that often are made by those who employ a ruse to gain a toehold in the United States. His subsequent accomplishments — the string of restaurants, the bestowed honors, the foundations, the innovative and risky approach to business and investments — have been well documented in obituaries in every major newspaper in California, and the details of his life were the subject of a lengthy article in the September-October 1991 issue of *The Californians*. No need to recount them here.

Frank Fat was buried April 12 after an impressive funeral at the Cathedral of the Blessed Sacrament on the capital's K Street Mall. Among those who eulogized Fat was Governor Pete Wilson who, more than any single politician, has stepped up the rhetoric on the ills of illegal immigration. It was Wilson's 1994 gubernatorial campaign that employed a grainy videotape of illegal immigrants scuttling across the border, with the tag line, "They keep coming."

Does Wilson now acknowledge, by his tribute to Frank Fat, that "they" may contribute some good to the community of California, that they may become successful citizens in the best sense of that word? And how does he reconcile that tribute with the notion that, had he been running for governor in 1919, his scattershot rhetoric would have been aimed at keeping out, among others, Dong Sai-Fat?

— A.G. Block

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Rostrum letters

False Dichotomy

I was disappointed to see the respected *California Journal* fall into the political trap of positing crime prevention and crime reaction in the disjunctive (See "The Prison Dilemma," *CJ*, March, 1997). The parallel political gambit is to pit higher education against corrections. Higher education itself needs a substantial review. But again, we need both superb education and prisons. Clearly we need all three, as they target different generations.

There have been awful crimes committed since Cain slew Abel. Anybody who does not think dangerous felons should be locked up should send the court their address with permission to parole felons in their homes. The very best predictor of future conduct is prior conduct, as Larry Singleton and 77 percent of other male felons prove.

The political problem for prisons is now (and always has been) that the left hates them, and the right does not want to spend any more money on them. With the continued shrinkage of the political middle, there are fewer and fewer who simply want the system to work.

Crime prevention is straightforward. There has to be positive role models so that juvenile males can see how they are supposed to act (instead of MTV hoods), then positive and immediate consequences for good conduct and measured, negative, and immediate consequences for bad conduct. Unfortunately for the law-abiding citizens, our very government policies deprive young dysfunctionals of these variables. The divorce courts and the welfare system drive men out of the homes. The schools systems are weak on the triage and exclusion of the same young men. In addition, we have thoroughly ineffective juvenile and misdemeanor systems.

Perforce every young dysfunctional is constantly sent the wrong signals until we in the adult system get fully-formed felons who are appalled that they actually have to go to jail or prison. Can MTV and the jerks who produce movies such as "Reservoir Dogs" possibly forgo some of their profits so that young people can ideate positive images? Can we stop driving the Boy Scouts and the church groups away from our kids? Can divorce courts consider that young males need fathers to see how to act? Can the welfare system promote, rather than destroy, marriage? Can the juvenile and misdemeanor systems be made to function? If so, then the burden will not fall belatedly on the adult penal system.

LAWRENCE W. STIRLING
Judge
San Diego Municipal Court

Choice Words

I read with interest your story, "A Gray State of Politics," (*CJ*, April, 1997). It is very true that the issue of seniors having an impact on politics should be foremost in the minds of career politicians, we are growing in numbers and taking a greater interest in our State and Country's future. And as you stated so well, it does show by our large voter turnout at elections. And that's the end of "kissing up" to your story.

I take offense at the way you used the term "mock session" when referring to the Senior Legislature session each October. While it could be true that it may seem "mock" to some outside viewers, I assure you that all members that I have met take their voluntary devotion to duty very serious. You mentioned the high success rate on proposed legislation, but you point out that much of this success rate is for less than monumental legislation. I believe your words were "mid-level and only some high priority issues."

Given the fact that our whole body meets together for less than one week a year, that we rush from meeting to meeting as fast as our aging limbs can move us, that many, perhaps most of us spend far more of our own money than what we get reimbursed, that we do not have the same resources that are available to the regular Legislature, I am surprised that we do as well as we do. After seeing and experiencing, having to live with, some of the Legislation that the regular legislature produces I feel we do a damn good job. Please do not use the noun that's defined as "a false, derisive or impudent imitation of something" when referring to 120 dedicated and sincere individuals who give willingly of their time and money to help the plight of their peers as best they can.

HOWARD E. RIEN
Senior Assemblyman, Eureka

Watchdog Woes

The sub-title to your article, "Down from the pedestal," asks "will disclosure lead to more aggressive discipline against bad doctors?" The answer is that the proposed disclosure will lead to more aggressive discipline against *good* doctors.

What is actually needed is investigation of the arbitrary, capricious, and unilateral investigatory procedures of the Medical Board of California and the permissive investigatory climate that allows abuses by anybody with a badge and a gun.

Your article did not mention the fact that our organization has received over fifty complaints about one case where the complainants are patients, not doctors, who have filed affidavits stating that an investigation of a doctor who lost his license was wrongfully conducted, and, in fact, that evidence against the doctor was manufactured.

ROBERT L. WEINMANN, MD
President, Union of American
Physicians & Dentists

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Labor relations could be a whole lot better in California

The 86,000 state civil service workers represented by CSEA have labored to keep the state running through storm and flood and economic emergency — doing our jobs.

Our skill and experience are state government's greatest resources in times of crisis and calm. California works because we do.

Frankly, it stinks that we have gone 23 months without a contract and two and a half years without a raise.

We need to end this destructive stalemate. State workers deserve a fair contract.

Let's get it done!

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High Tech Go

Silicon Valley executives have the potential to become a major political force in California. But will they bother?

by John Borland

On the edge of the thumb of land formed by the San Francisco Peninsula, tucked between coastal hills and the salty South Bay, lie some of the most stunning business success stories in the country. From giants like Intel, which now manufactures the brains for most of the world's personal computers, to newcomers like Netscape and Yahoo!, these companies have used the last decade to turn high tech into one of the fastest-growing sectors of the California economy.

Other industries with this amount of financial clout often have quickly assumed a natural role as political powerhouses. But not so the enclave of Silicon Valley. There have been individual instances in the past when a particular group of companies has lobbied hard on a particular issue — but on the day-to-day schedule of ordinary politics, the high-tech sector has remained curiously dormant.

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Until now, perhaps. Since the end of the 1996 elections, and the expensive defeat of the trial lawyers' Proposition 211, a small group of Silicon Valley executives has been struggling to form an organization that can transform the industry's temporary campaign momentum into long-term political influence. The group has hit bumps along the way, caught between differences in opinion and personalities. But already they have gained the ear of Vice President Al Gore, and have the financial potential to become a major player on the California and national political scenes.

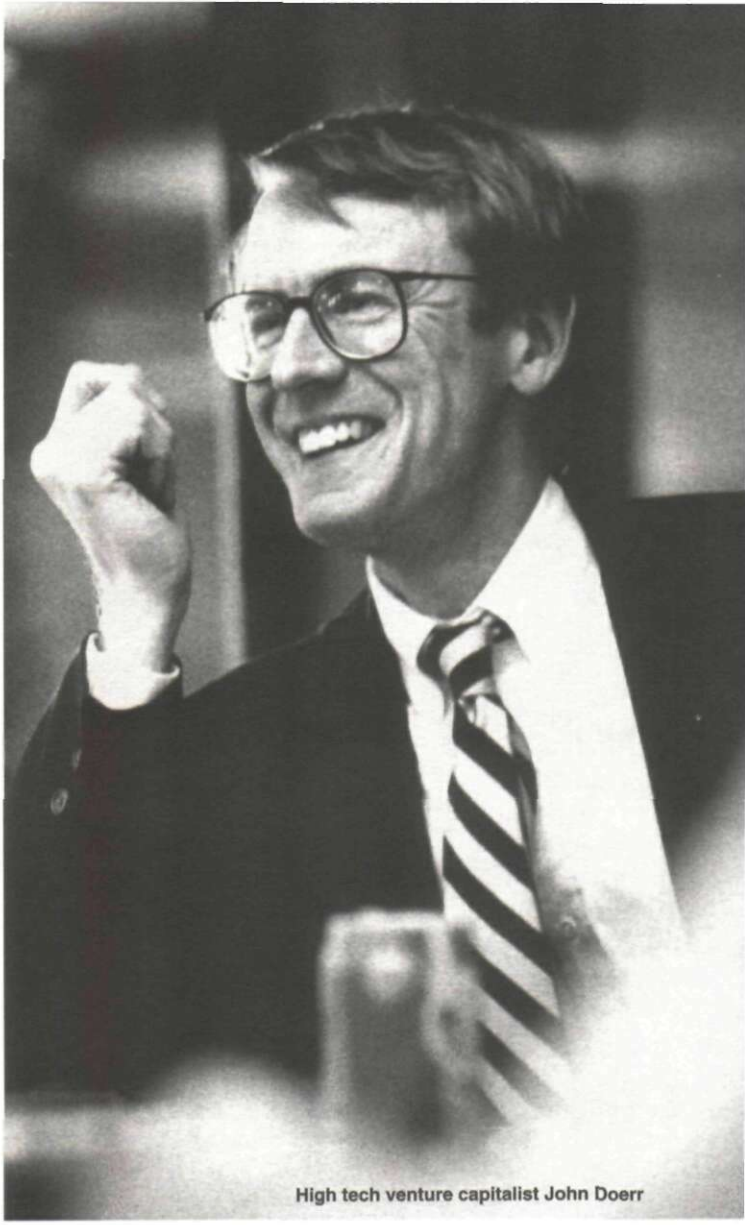
Following Apple Computer's apocryphal birth in a Cupertino garage, an Horatio Alger-like mythology has sprung up around Silicon Valley firms, in which engineers or software coders are consumed by late nights of pizza- and Pepsi-fueled frenzy, re-emerging as the founders of hundred-million dollar startups. Though the reality is often more prosaic, the story's elements of intense focus and creativity are true, at least in successful enterprises. But this same concentration has kept most high-tech business people focused on their businesses and away from the world of politics and government, even after their companies have become established and profitable.

There have been exceptions. Regis McKenna, a longtime valley marketing consultant with ties to the Democratic Party, cites the group of semiconductor manufacturers that lobbied Washington in the late 1970s for help opening up Japanese markets. Another broader-based mobilization took place when then-head of the American Electronic Association Ed Zschau — who later went on to represent San Jose in Congress — led a fight to lower the federal capital gains tax rate, again in the late 1970s. But for the most part, such episodes have been isolated sectors of the high tech industry acting on narrow issues.

The recent boomlet in shareholder lawsuits — what the high-tech community calls "strike suits"— began to change that. When high-tech stocks began shooting skyward, and occasionally crashing, in the mid-1990s, a number of companies found themselves being sued for millions of dollars by shareholders alleging securities fraud. Some companies settled, others fought in court, but the high-tech industry as a whole was enraged over what they saw as a few attorneys' legal extortion. A bill making it more difficult to file such suits in federal court passed Congress in late 1995, but to the surprise of executives relatively unengaged in the political system, the president vetoed it.

"The [political] reawakening really started with Clinton's veto of the securities legislation," says Floyd Kvamme, a partner with the venture capital firm of Kleiner, Perkins, Caufield and Byers, and a Republican. Clinton's act smacked of out-and-out betrayal for many executives who had supported him in the 1992 campaign. Though Congress eventually overrode Clinton's veto of the bill, the experience proved a sobering one for many valley figures

Hot on the heels of the federal fight came San Diego shareholder attorney William Lerach's Proposition 211, which would have made shareholder lawsuits substantially easier to file and win in California courts. This injury-added-to-insult finally galvanized the high-tech community. Officially led by Intuit founder Tom Proulx and his Alliance to Revitalize California, the campaign to defeat the initiative raised almost $40 million, much of it from Silicon Valley



High tech venture capitalist John Doerr

companies and CEOs. The effort broke all state records for single-campaign fund raising, and 211 went down in flames. "What last year and 211 did was find an issue which brought a lot of people together with a common agenda," says McKenna. "It was different in that respect."

But in the process of defeating the initiative, Proulx's group — re-dubbed the California Technology Alliance — had done something else that broke with the state high-tech sector's past. Forty million dollars by itself was enough to make politicians' heads turn; but when it was clear that the campaign was overfunded, the Alliance began to interview candidates and contribute to the election efforts of those who opposed 211 — eventually more than $600,000 to state-level candidates in both parties. Individual companies and executives had contributed before, but the broad-based industry trade groups largely had remained outside state politics. "That was the big success of the Alliance in the 211 campaign," says Gary Fazzino, a Hewlett Packard state government affairs manager. "What is missing in the industry is an organization that is not only willing to focus on industry policy priorities, but is also willing to expend the political capital necessary to make the industry influential in political circles."

The group had began looking at more conventional

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involvement in politics after the defeat of the Alliance-sponsored Propositions 200, 201 and 202, all tort reform issues, in the March 1996 primary election. While the November campaign against 211 was still gearing up, they hired lobbyist Cliff Berg, a former top staffer to the Senate Rules Committee, to represent their interests in Sacramento. "At the time I was retained, there was perhaps a general perception that the ballot initiative was not the best way to be involved in politics," Berg says. "Instead, Silicon Valley needed to be involved in Sacramento ... in a way they had not been before."

At the same time, the group's dynamics began to shift. Through the 1996 election cycle, Proulx continued to earn the most public attention as titular leader of the Alliance. But as the campaign wound down and the group began to focus more on their post-election future, the former Intuit executive began to be eclipsed by high-tech venture capitalist John Doerr, a partner in Kleiner, Perkins, Caufield and Byers and the figure who many say was more responsible than Proulx for the astronomical sums of money tapped by the "No" campaign.

In person Doerr encapsulates many of the stereotypes of the computer entrepreneur. He is thin, spectacled, topped with a messy shock of sandy hair, with a matter-of-fact confidence that belies the difficulty of the problems — technical or political — he might be addressing. But he exudes a rumpled charisma that has helped seduce a wide range of valley executives into the public arena for the first time, and has won over seasoned politicians in moments. "Doerr makes a big difference, there's no question about it," says Fazzino, who has been instrumental in organizing the post-election group. "Not just because he has provided resources to these companies. It is also the force of his personality, and the fact that he has ... identified issues like education technology that resonate with these people."

Taking as a starting point the Clinton administration's endorsement of the anti-211 effort, Doerr and several others close to him began to move toward Gore. This was less a political endorsement, say some close to the group — Doerr is at least nominally a Republican — than the fact that the Tennessean's interests meshed closely with those of the Valley figures. "I truly believe that this has more to do with Gore's office, and a personal passion for technology than with Gore running for president," Fazzino says. Another executive warmly described Gore after a meeting as a "closet nerd."

While the Technology Alliance began to craft some kind of a vision that its members all could agree with, Doerr continued building relationships with Gore and state politicians — again primarily Democrats — at breakneck speed. Along with fellow Kleiner partner Brook Byers, Democratic Leadership Council state representative Wade Randlett and several others, he led a series of informal meetings that brought together Gore and other state political figures with a handful of executives.

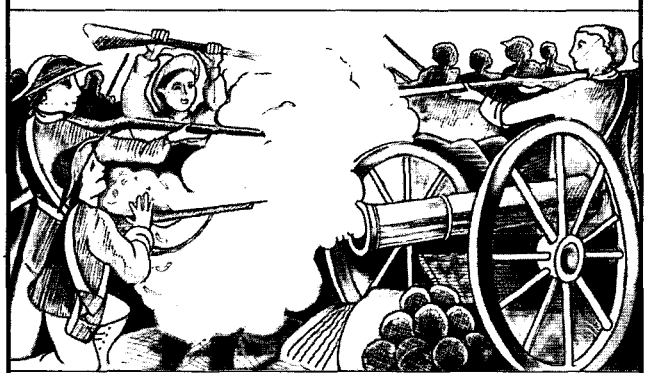
With these meetings a new round of faces began to filter into the political sphere, including such entrepreneurial luminaries as Netscape co-founder Mark Andreeson, Marimba chief executive Kim Polese and Yahoo! directory service co-founder Jerry Yang. "I have to give Tom Proulx and John Doerr credit," says Fazzino. "[This group] has been very successful in getting large company's CEOs and startups' partners involved ... Our industry has not been able to engage these folks in public policy before."

But the group was still suffering internal growing pains. Members disagreed over whether they should focus their efforts on the state level or extend to the national scene, over the perception of getting too close to the Democratic party, even over what to name the organization. Chief proponents of the competing visions were Proulx and Doerr. This was not so much a personal struggle between the two individuals, say those close to the group, as what one executive described as a clash of "entrepreneurial spirit" that worked wonders in starting companies but was "not always conducive to working with others." By the beginning of April, the differences in style finally appeared unresolvable, and Proulx decided to let the group's efforts proceed without him.

Proulx will retain a relatively high political profile on the issue of tort reform, however, though not in the context of his former organization. Since late last year, Proulx has been one of the key figures on a task force called by state Senate president pro Tempore Bill Lockyer (D-Hayward) to find some middle ground in the securities litigation wars. With high-tech nemesis Lerach on the panel, the badly divided group got off to a slow start, but Proulx and trial attorneys' association president David Casey have now developed a more comfortable working relationship. Neither makes any promises, but say some compromise legislation may emerge this session.

The rest of the group's future is far from certain. With Proulx's departure, the California Technology Alliance name will be rolled up as would any post-election campaign

If this is how you see California water issues . . .



you're a little behind the times

Resolving California's water issues has moved from confrontation to consensus. But there's still an interesting story to report. For complete information on Bay-Delta issues, from breaking news to extensive background, check out the California Water Clearinghouse's Web site.

www. bay-delta.org

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organization. Proulx also takes with him more than two years of experience with the state political landscape — not an enormous amount by Sacramento standards but more than most others in the group. Doerr, by contrast, has proven himself to be geared more to the national political scene than was Proulx, and the group likely will reflect his interest.

This does not mean that whatever organization emerges will again disappear from the state political scene. Already Doerr and others have appeared in Sacramento to announce several education-related initiatives taken by individual companies, including an offer of free Web-based e-mail for students, and to endorse a group of education technology bills carried by San Mateo Assemblyman Ted Lempert, a Democrat.

In early April, Doerr also led several hundred national high-tech leaders to endorse Clinton's drive for national education standards in math and reading, appearing in Washington D.C. at the same time as state Superintendant of Public Instruction Delaine Eastin. "We are desperate to hire for high wage jobs," Doerr said at the D.C. press conference. "We will use that as a lure [to convince governors and lawmakers]."

Such events underline one the group's first hurdles, however — the perception that they have been co-opted by the Democratic Party, a criticism whch already rankles members. "In order to be successful, this organization has to be bipartisan," says Fazzino. To help in this regard they have sought out the advice of former Pete Wilson press secretary Dan Schnur, who says he is confident that the group will remain outside the orbit of either party despite present appearances. "I wouldn't be involved if I thought otherwise," says Schnur, a distinct GOP partisan.

While a specific policy agenda had yet to emerge from the nascent organization by early April, several broad areas already had become clear. Education technology — providing classrooms with computers, wiring them for Internet access, and training teachers to use the machines — clearly will be a priority. Raising state educational levels also will be a focus, and has become something of a passion for Doerr. Nor will the group forget its orgins in the shareholder litigation trenches — members identify the push for a national law that would preempt state securites litigation laws, making another state intiative like 211 impossible, as high on their wish list.

And Hewlett-Packard's Fazzino, at least — the person reportedly taking on the role of containing and shaping

Tom Proulx

High tech's '96 pathfinder

A little more than a year ago, former Intuit executive Tom Proulx cast the sharpest political shadow in Silicon Valley.

It wasn't an obvious role for him. Like many high-tech entrepreneurs, Proulx had begun his company straight out of college — in his case, using a financial software program that he and company co-founder Scott Cook wrote in a Stanford University dorm room. This program was the now-hugely successful Quicken, the most popular home-budgeting software on the market, and after a few years of struggle, Intuit jumped to the head of its market niche.

In mid-1995, a group of no-fault insurance activists approached and converted Proulx. He began proselytizing for the concept, but found Silicon Valley executives were far more interested in fighting shareholder lawsuits, a tort issue then striking at many companies' bottom line. And so a ballot marriage was consummated; Proulx left Intuit to head the Alliance to Revitalize California, a campaign organization pushing no-fault insurance (Proposition 200), a loser-pays rule in stockholder suits (Proposition 201), and a limit on attorneys' contingent fees (Proposition 202). A war of commercials soon developed between the Alliance and the state trial lawyers' association, and all three measures failed at the polls.

But Proulx's group had an even more pressing task — beating back San Diego attorney William Lerach's Proposition 211, which would have made shareholder suits easier to file and win in state courts. The effort swept the high-tech community, bringing more high-profile Valley figures into the Alliance fold and nearly $40 million into its coffers. With more than enough to beat 211, Proulx helped direct close to $600,000 to candidates — and in a move criticized by many donors, also transferred funds to fight Proposition 217, which would have raised the top state income tax rate.

After 211's defeat in the November election, Proulx began to work with others from the campaign to transform the Alliance's newfound political clout into long-term influence. But the group found it difficult to agree on the details of a successor organization, and by early April, Proulx had decided to leave the effort. He, along with trial lawyers' association chief David Casey, remains on a task force charged with finding common ground in the shareholder lawsuit fight. If the two sides can reach a compromise, legislation will be introduced this year.

Proulx's own future political plans are uncertain — but his actions over the last several years have helped catalyze a new round of political activism in Silicon Valley.

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Doerr's sometimes overexuberant enthusiasm — is clear that whatever organization takes shape, if any, will be able to play political hard ball as well make policy recommendations. "Political contributions, development of relationships ... all those will be tools used to achieve [our policy goals]," he says.

A handful of state legislators of both parties already have been won over, apparently by more than the promise of Silicon dollars. "These guys are great," says Assemblyman Don Perata (D-Alameda), one of several legislators who has had several meetings with the group's members. He tells of an early conversation with Doerr, discussing problems of communication between teachers and parents, when the venture capitalist suggested that the industry provide cellular phones for state teachers. "That's the beauty," Perata enthuses. "They're doers ... We would have figured out a hundred ways we can't do it," but Doerr could call up collegues in the relevant companies and make it happen, he says.

Ideas like this do run the risk of alienating more estabished political interests with their eyes on higher priorities -- a representative of the California Teachers Association was quoted soon after the cellular phone idea surfaced caustically reminding Doerr that schools have more pressing problems such as leaking roofs and textbook shortages. Even their allies' comments indicate that the group still has some learning to do about the necessity for patience in legislative politics. Eager to move the education technology issues along, they offered to loan the Legislature a consultant to speed the process, Perata says. "They said, 'We don't want to do anything if it's going to be studied to death, then put on a shelf." Even this relatively motherhood-and-apple-pie issue may be politically difficult to maneuver this year, as Wilson and Eastin propose competing plans for integrating computers into state schools.

Longtime Silicon Valley watchers still are not convinced that this group, no matter what its grand ambitions for the present, will mature into a long-term political force. "I think it can happen," says Santa Clara County Assessor Larry Stone, who inititally helped connect Doerr and the others with the Clinton campaign. "But I think one ought to have a healthy amount of skepticism here.... The high-tech industry's record is not one of sustained interest."

The group also must deal with a powerful current of anti-government feeling still shared by many high-tech leaders. A recent *San Jose Mercury News* guest column written by venture capitalist Tim Draper outlined this attitude. "Teaching the folks inside the Beltway too much about our business is a dumb idea," Draper wrote. "The industries that have done the best jobs of lobbying and 'teaching' Washington about their businesses are among the most regulated — and as a result, are much less attractive investments."

The core figures in Doerr's group say their efforts are more than a passing interest, however. "It has seemed that there is a lack of knowledge about high-tech industries [among politicians]," says McKenna. This, if nothing else, needs to be remedied, he adds. "We're in this for the long term."

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The Bottom Line

commentary

by Susan Rasky

Tobacco Politics

Call it the perverse sensibility of a long-time smoker, or maybe just denial. But now that it is clear the tobacco companies manipulated the nicotine levels in their cigarettes and aimed their advertising at children, the story of the industry's greed and mendacity, however galling, has become rather predictable.

If you make a legal product that when used properly is known to be at best unhealthy and at worst lethal, what else would you do but try to keep the smokers smoking while working to build new markets? If you operate in a political system where the cost of seeking office escalates every year, and the single useful thing your industry has to offer is campaign money, why wouldn't you contribute lavishly to any taker?

From the vantage point of someone addicted to both nicotine and politics, the tobacco story that matters more is the unfolding one of shifting public values and the attempt by the body politic to respond. At the heart of that story is a basic question: When does an issue or a product become politically radioactive, so offensive to public notions of decency that any association with it spells doom at the polling booth?

Recent history offers abundant examples of subjects that at various times and in various venues have inflamed public opinion and damaged politicians caught on the wrong side — guns, oil, liquor, napalm, auto safety, the death penalty, abortion, immigration, civil rights or even communism. In each of those cases, however, there was room for recovery by the affected industry or interest group. In most there was also a modicum of tolerance for principled or practical opposition to the popular mood. Oil, after all, is multipurpose; guns and freedom of association enjoy the protection of the Constitution.

Cigarettes, on the other hand, have no dual purpose. They are legal presumably because outlawing them would be an enforcement nightmare. From a politician's point of view, that's a tricky defense. Unlike big oil, which launched a brilliant corporate image overhaul in the 1970s to counter the spectacle of fouled beaches and long lines at the gasoline pumps, or the liquor industry, which moved quickly to embrace groups like Mothers Against Drunk Driving, the tobacco industry has a reputation for being particularly ham-handed in both public relations and in its private dealings with politicians.

Although pollsters have found the public strongly supportive of higher cigarette taxes and less likely to support a politician who takes money from tobacco companies, those who survey in California also report that anti-smoking concerns rank, along with everything other than education and crime, in a mushy set of second-tier issues.

If so, then how much nuance is still acceptable? Can a politician eschew tobacco money but oppose tighter anti-smoking ordinances that upset bar owners in his home district? Conversely, can a politician take tobacco money as long as he backs tough anti-smoking enforcement, especially for minors? Can he support non-product related business issues that affect the tobacco industry? Can he safely oppose higher cigarette taxes on ideological grounds, or can support for such taxes insulate him from attacks by increasingly aggressive anti-smoking groups?

Political consultants, who get paid to be paranoid — or prescient — about which issues are going to excite the public consciousness, are still calibrating those answers for the 1998 campaign. What they know from 1996, however, is that while no candidate for Congress or the Legislature lost a seat because of tobacco, two, new and potentially critical factors have entered the equation.

First is the certainty of negative, high-profile media attention on the tobacco industry as hundreds of private and government suits against tobacco companies make their way into the courts. That much was a given even before the landmark settlement in March under which The Liggett Group Inc. agreed to give government lawyers internal documents for use in cases seeking reimbursement for tobacco-related health care costs in 22 states.

Second, tobacco has developed an unanticipated partisan tinge at the national political level, and Democrats are on the correct side of the prevailing wind. That's thanks in large measure to strategies President Clinton's pollsters used to position him on a whole constellation of family values issues from school uniforms to the tobacco industry's decision to favor Republican Party committees with an estimated $5.7 million in soft money contributions in 1995-1996 compared to a mere $1.1 million for Democratic Party committees.

Will that matter two years from now in California, where tobacco largesse was more evenly divided between the two parties and where the hottest issue for 1998 might be crime or an imploding welfare system? Who knows, but it's not the sort of thing you want to take a chance on. Witness Attorney General and gubernatorial candidate Dan Lungren's rather exquisite pirouette on the matter of joining the Liggett settlement. Is that enough, or will he have to ditch the consulting firm that handles his campaign because it also represents tobacco clients?

"Tobacco has become a symbolic issue that links up with others and cuts across the religious right, New Age yuppies and Boomers with kids," says Gary Jacobson, a professor of political science at UC San Diego and a specialist on congressional elections. "It's not so much politically radioactive as it is politically irresistible."

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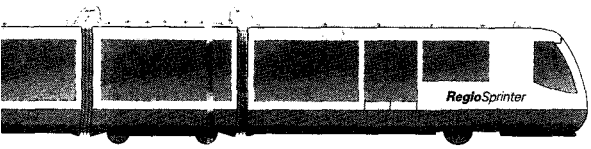

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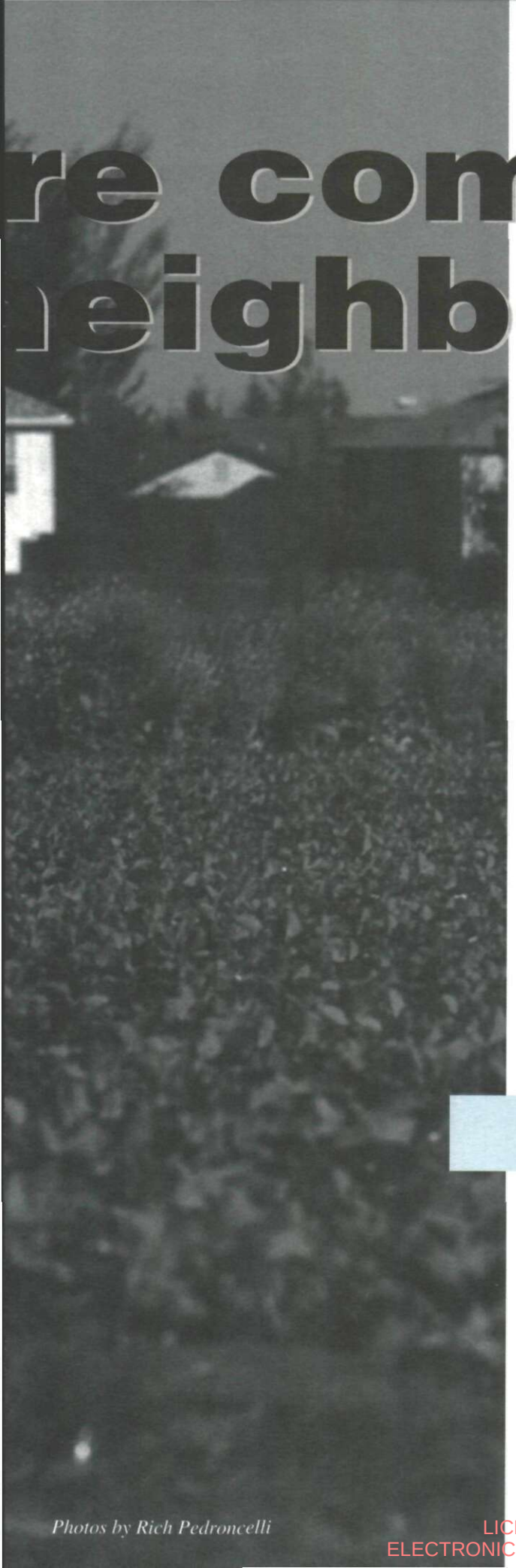

The relentless spread of suburbia is consuming ever-larger chunks of California's farmland. Some in agriculture worry the trend could threaten the state's multi-billion dollar agriculture industry.

by Noel Brinkerhoff

Traveling the rural highways and dusty two-lane roads that cut across California's farmland, a landscape can be seen which is transforming far more rapidly than the eyes can perceive. For now, a quiet abundance of row-crops and orchards teeming with almost every kind of vegetable, fruit and nut imaginable occupies the foreground.

Photos by Rich Pedroncelli

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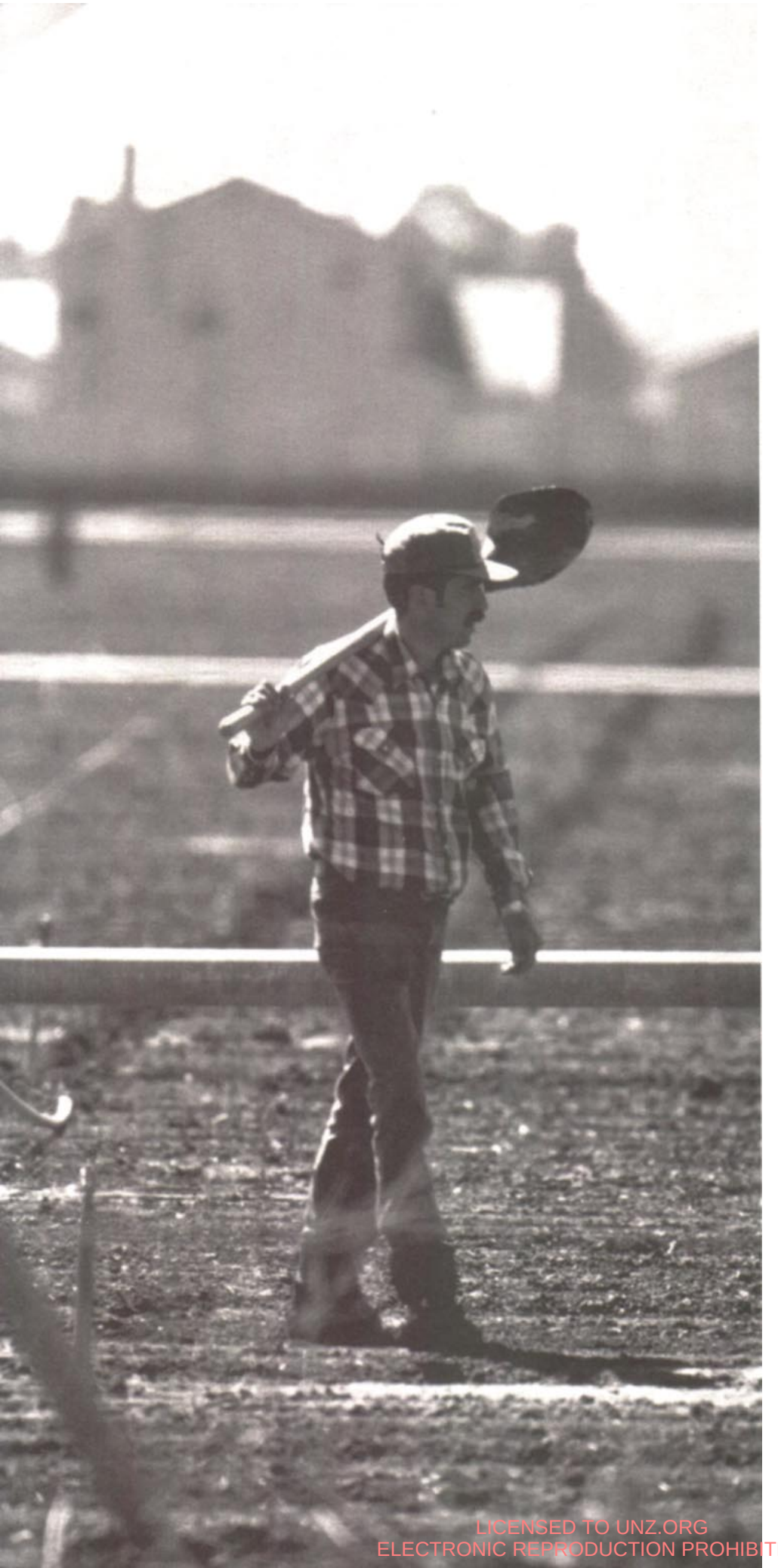

But beyond this cornucopia of agricultural bounty lies an invading horizon of multi-car garage houses, strip malls, entertainment and industrial sprawl. It is an ever-growing movement of residential and commerical development which is gradually gobbling up some of the most productive and important farmland this state — indeed this country — possesses.

The problem confronts most major farming areas of the state, from the budding metropolis of Fresno to the small town of Watsonville. As more and more people flee the urban girth of San Diego, Los Angeles and San Francisco, California's breadbasket regions — the Imperial Valley, Central Valley and Central Coast valleys — are becoming increasingly suburbanized, often at the expense of productive farmland. By some accounts, the disappearance of agricultural territory is so daunting that there could be a time in the not-so-distant future when the state will have trouble feeding itself, let alone the rest of the nation. This predicted scenario is startling given California's importance as the top agricultural state for the past 50 years, responsible for producing 25 percent of the country's food supply and over $20 billion in state income annually.

The reason the land is disappearing is simple: Developers built it, and people came. The population in the Central Valley is expected to triple, reaching over 12 million by 2040 with every county losing tens of thousands of acres of farmland (see graph, p. 20). This precipitous loss of farmland is the reason why American Farmland Trust recently ranked California's Central Valley as the most threatened agricultural region in the country. An even more congested future for the region is predicted by Rudy Platzek, a retired urban and regional planner who now spends his time mapping the valley's general plans and calculating the region's future.

"About seven years ago, I began to wonder where the Central Valley was going, so I looked around for studies on the valley and I couldn't find any," says Platzek. Taking on the job himself, Platzek examined growth projections and development plans for all of the urban areas in the valley. His conclusion: The transformation of the region into one "mega city." By 2080, Platzek estimates the Central Valley could have as many as 25 million people and

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experience a reduction in farmland from 7.8 million acres to 3 million. It takes 1.2 acres of crop land to provide each person with enough food for a balanced diet, but the loss of farmland Platzek projects would leave only one-tenth of an acre to feed each person, meaning the Central Valley would no longer be able to feed itself or other areas.

The encroachment of development near agricultural land creates other problems for farmers aside from the actual consumption of acreage. The connecting infrastructure for new communities always means more roads and more pollution, which retards crop growth. A report commissioned by Bank of America, the Greenbelt Alliance and the Wilson administration entitled "Beyond Sprawl" stated that sprawl-induced ozone pollution can reduce crop yields by 30 percent, a problem which is magnified by Platzek's projections for increased highway construction.

"My highway engineer says Highway 99 and Interstate 5 would each have to be a full eight-lanes to handle all the traffic," says Platzek, who adds that a third eight-lane freeway also would be needed to accomodate the massive population increase.

Developers see much of the apocalyptic rhetoric as an effort to stigmatize development, including the use of the term "sprawl." To counter what they see as a stereotype, the Building Industry Association produced its own study, "Preserving the American Dream," pointing out that California is still only five percent urbanized. In addition to citing the job growth which comes with new suburban development, the study also found more land had been reclassified for agricultural use (600,000 acres) between 1984 and 1992 than for urban use (400,000 acres).

"The claim that ag land is taken out of production by urbanization is inaccurate," says Jim Coyle, vice president of the BIA of California. "Our research finds that the issue of farmland consumption is not based on fact."

Efforts to find a governmental fix have been fitful at best. Almost 30 years ago, the state passed the Williamson Act to try and farmland from being converted by giving tax breaks to farmers who set aside their land for at least 10 years. And though large swaths of farmland in the state are under Williamson Act contracts, most of it is in areas not lying in the path of growing

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communities. "If you look at Williamson Act patterns, they're generally away from urbanization," Platzek says.

Despite tax incentives, the temptation has proven too great for many farmers, especially older ones, to sell their land when it can be worth twice as much as a new subdivision as it is for growing alfalfa. Recently, the state has tried another approach by creating the Agricultural Land Stewardship Program which provides grants to local governments and organizations to buy up farmland. This program "locks up" farmland on a lifetime basis to keep it from being converted. So far, however, the program has failed to preserve a significant amount of land because of inadequate funding and reluctance on the part of some farmers to commit their properties for life, as the program requires.

Ultimately, solutions will have to come at the local level in order to find a compromise for both agricultural and development needs.

In the city of Fresno, a model for cooperation is being developed that may help point the way toward reduced competition for land. Fresno County's population is expected to increase by more than 300 percent by 2040 which, according to the American Farmland Trust, will mean a loss of 234,000 acres of farmland.

"It [Fresno] is probably the most worrisome county, not only because of its agricultural production, but because of its population growth, too," says Eric Vink, AFT's regional field director in Davis.

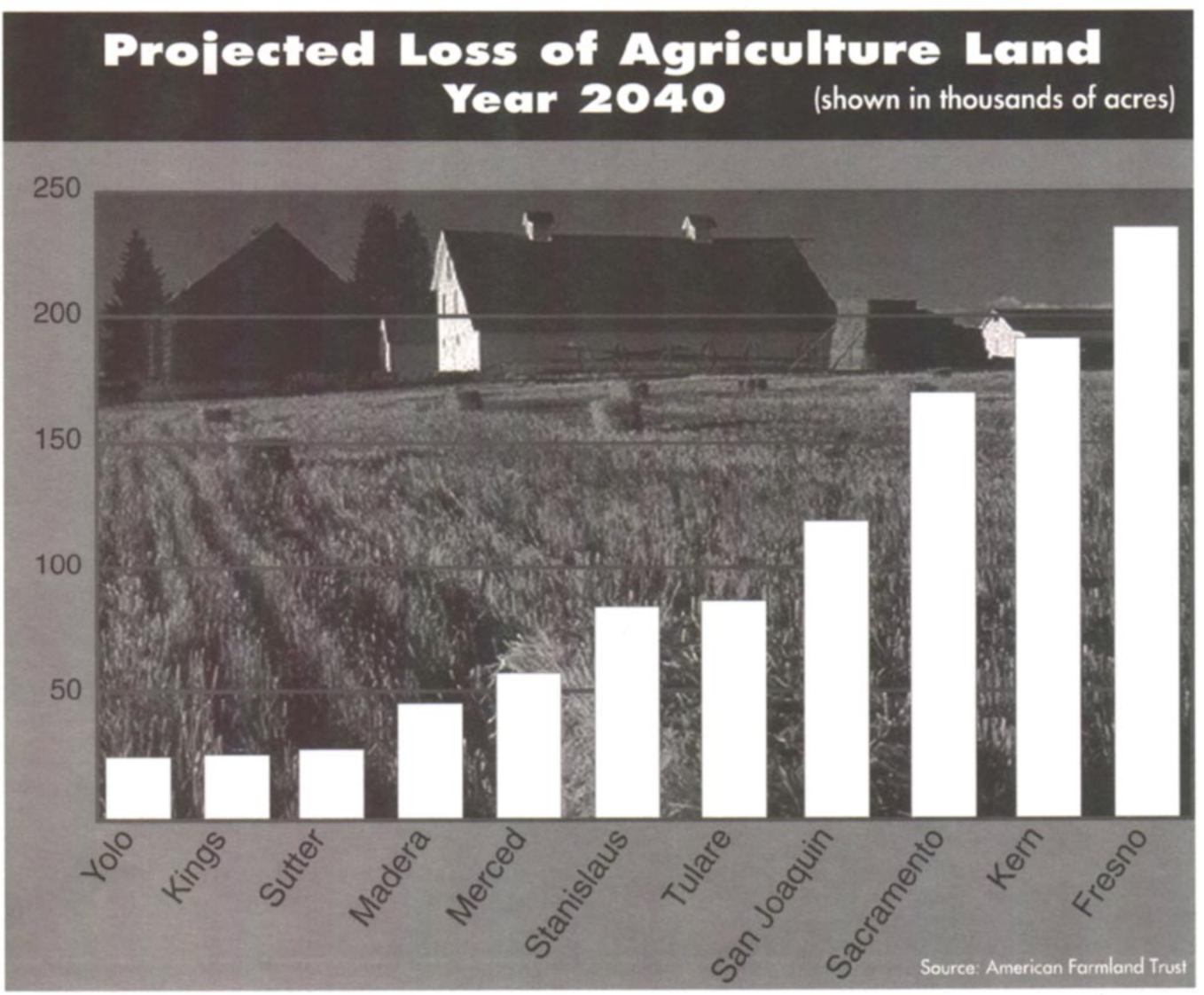
Representatives of the local farm bureau and The Building Industry Association crafted a proposal last year emphasizing development through higher-density planning for city officials to include in their general plan. This idea of "compact development" — increasing the number of housing units per acre of land — is predicted to save 500,000 acres of farmland over the next 20 years as Fresno doubles its population. But it is far from certain whether the proposal will be accepted by the city.

"It remains to be seen if any concrete solutions take hold," says Coyle. Coyle says some city officials and neighborhood groups are resisting the high-density plan which will limit the size of homes and parcels of land. The fact that BIA accepted the idea of higher-density planning is especially important, though, since developers often balk at the idea.

"It's in the builders' interest to go with higher density in Fresno," Coyle says, "but you can't leap to the concept of higher density and expect the market to always follow it."

At the local level, however, problems also exist with some approaches

Continued on page 25



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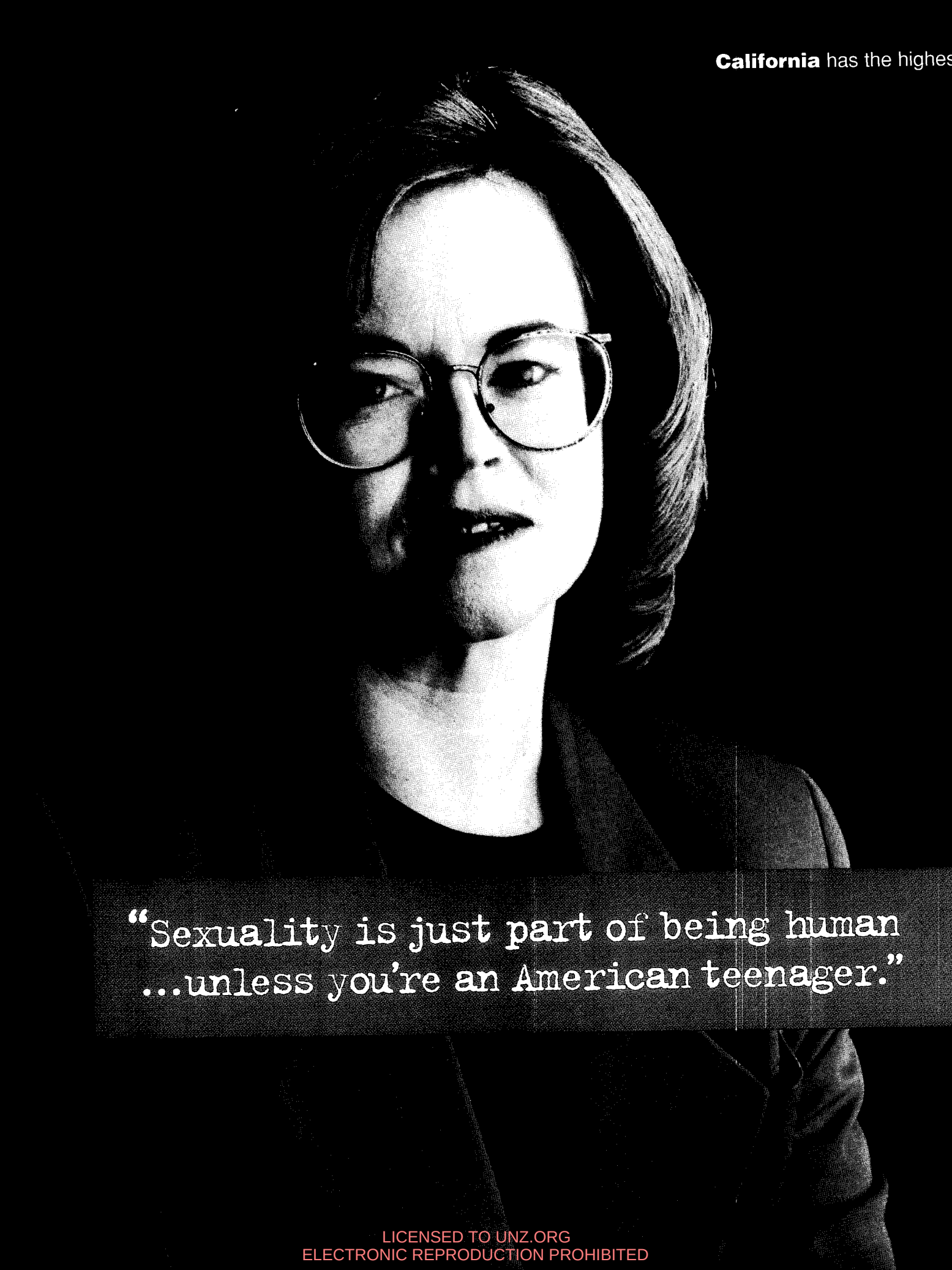

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en pregnancy and birth rate in the industrialized world. This series asks **why**...and what we should do.

Sex isn't really the problem. Teenagers in other countries are having intercourse as often as teens in California, but they're not getting pregnant or giving birth at even half the rate.

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***FACT:** 70% of high school seniors have had sexual intercourse.*

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Debra W. Haffner is president of the 33-year-old, New York-based Sexuality Information and Education Council of the U.S.

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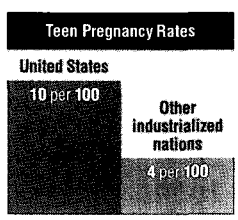

***FACT:** The U.S. teen pregnancy rate is more than twice as high as in industrialized nations with comparable rates of teen sexual activity.*

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PMC Public Media Center Chart: Alan Guttmacher Institute, 1994

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for preserving agriculture. According to Vink, "there's an increasing interest in using urban growth boundaries" in many cities throughout the San Francisco Bay Area. But when growing cities try to put the brakes on development, housing costs escalate, which only forces people to go elsewhere.

"One of the things that we have to look at are areas that are transferring their problems to other areas," says Coyle, who dismisses the idea of growth boundaries as an answer. He points out that previous "no growth" efforts in the Bay Area are the reason why the once modest town of Tracy has grown into a bedroom community for East Bay commuters.

Moreover, even if local officials wanted to restrict future growth, they still must deal with the growth they have already sustained. The city of Watsonville is planning to annex several hundred acres of agricultural land in order to build more housing and attract new industries. Officials say more homes and jobs are needed to help alleviate the problems which have arisen as the city's population has doubled to 35,000 in the last 20 years.

"If it wasn't for the conditions in which this community finds itself, with very deplorable wages and housing conditions, I would not be supporting any agricultural annexation," said City Councilman Oscar Rios. "We have an economy that hasn't expanded, and we have to take responsibility for the community we live in."

Watsonville's proposed annexation plan — which currently is on hold after a court ordered further environmental review — means the loss of 600 acres of farmland, half of which sits on rich, alluvial soil used for producing lettuce and strawberries. Despite the need for more housing, the plan simply doesn't make sense to some locals.

"Farm workers can't even afford the houses they are going to build," says Sam Earnshaw, a local farmer who's been leading the fight against the annexation. Earnshaw and others have pleaded with city officials to consider other options, such as utilizing city space that's not being used, and have tried tying the effort up in court, but ultimately the annexation is likely to go through.

"If they go through all the hoops and LAFCO [the Local Area Formation Commission] approves it, then it will happen," concedes Earnshaw.

The conflicting impulses between preserving an agricultural heritage and conceding to the march of sprawl has many worrying about the "Los Angeles-ization" of the Central Valley. To prevent this, Platzek believes more academic research needs to be done on finding ways for urban and agricultural areas to

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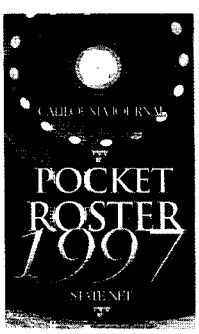

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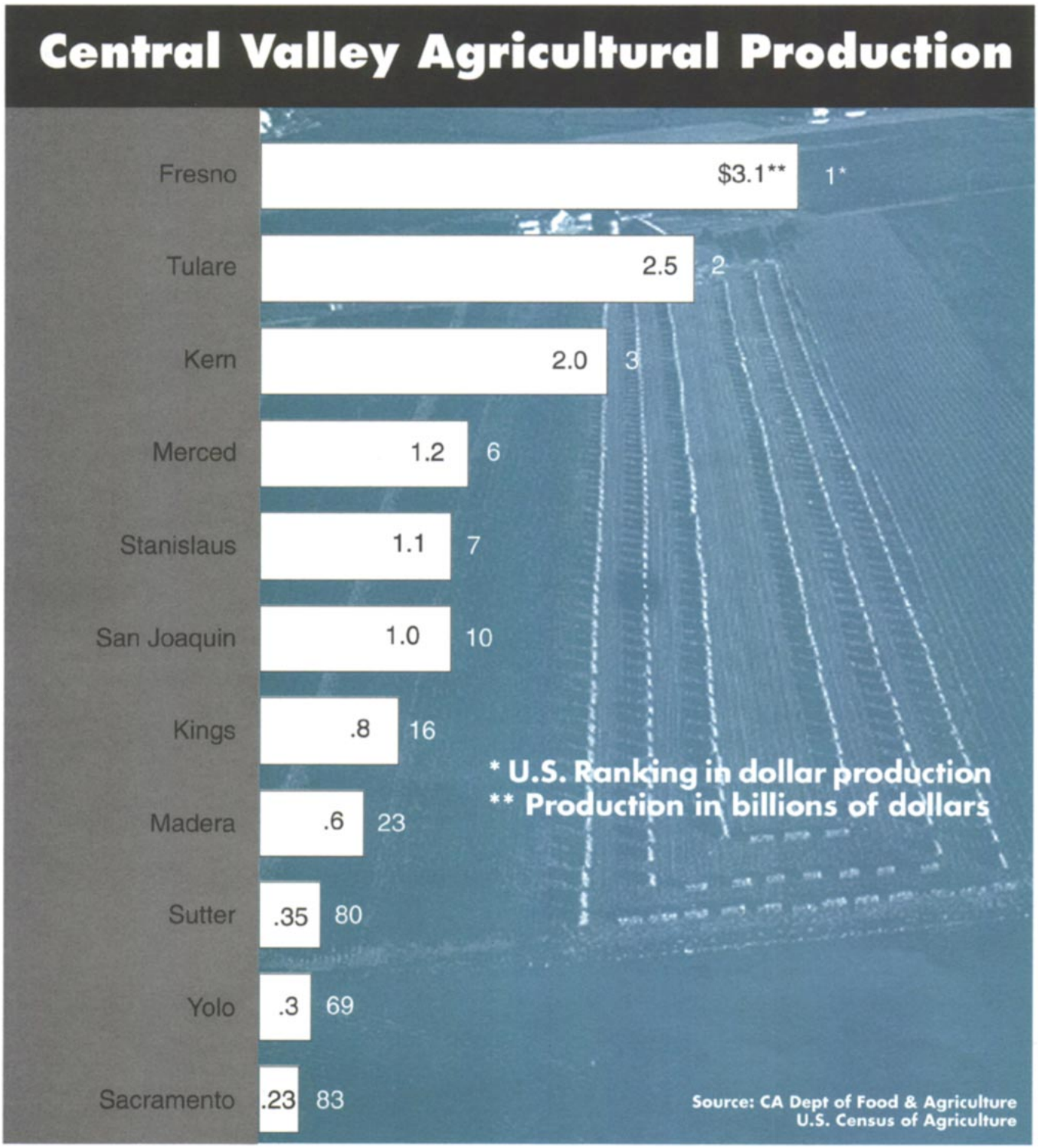
coexist. It is also important, he says, for farmers, developers and locally elected officials to forge common understandings for their cities and counties. The effort in Fresno is "a good start," Platzek says, "but we don't know how it will run its course." This uncertainty has led Platzek to call for greater state involvement in resolving the problem by creating a commission similar to the California Coastal Commission which would oversee new developments in the Central Valley.

In the meantime, one check on too much sprawl could be the dawning realization at the local level that growth is not inherently profitable. An analysis by Fresno State agricultural economist Dennis Nef of the Fresno-Clovis metropolitan area reveals that revenues generated from developers fees can be exceeded by the costs cities must bear to build new roads, sewer and water lines, and expand public safety services by over $3,500 an acre.

If cash-strapped local governments see development as a cost, rather than a benefit, it could prompt them to take a closer look at where and how growth occurs. This alternate view of growth may be what local communities need to examine before decisions are made to pave over prime farmland.



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Southern Exposure
perspective

by Sherry Bebitch Jeffe

Doing business with China

Long Beach was the U.S. city hardest hit by the round of military base closures and defense spending cut-backs which began a few years back. The demise of the Long Beach Naval Station rocked the area. So the move by the China Ocean Shipping Company (Cosco), to lease a planned $200 million cargo terminal, to be built on the now vacant Naval Station grounds, was greeted with enthusiasm by city leaders struggling to revitalize the local economy.

Cosco, China's state-owned shipping line, has been a tenant of the Port of Long Beach since 1981. The company would pay $14.5 million a year to lease the proposed terminal, and local property taxes would bring in an additional $1 million annually. So despite opposition by conservationists, who fought bulldozing buildings with a history dating back to FDR, the Cosco expansion looked like a done deal.

But that was before the brouhaha over questionable campaign finance practices and FBI reports that the Chinese government may have tried to influence the 1996 U.S. elections -- and the country's foreign policy — through allegedly illegal contributions. Suddenly the terminal lease was under attack by conservative politicians and talk show hosts. It became the focus of a national hate-mail campaign. Port staffers were derided publicly as "traitors" and "Commie lovers."

As a *Los Angeles Times* editorial put it, "Hyperbole ran amok, with hints being made that the Chinese were engaging in some sort of conspiracy with military overtones." Congressman Duncan Hunter (R-El Cajon) introduced a bill to kill the project "to prevent," he said, "a Chinese Communist beachhead at the naval station."

Is this another indication of "Asian-bashing" which has raised concerns since the anti-immigrant sentiment of Proposition 187 soared across the California political landscape and onto the national stage?

To be honest, the Long Beach project has drawn fire from opponents as diverse as conservative columnist Pat Buchanan -- who labeled the Cosco lease "a sweetheart of a deal ... for Beijing," and public television host Huell Howser, who disavowed opposition to "trading with China," when he took up the fight to save the site's Roosevelt Historic District.

But alarm over "national security" implications and the prominence of anti-China sentiment have increased as the focus on "the China Connection" to questionable campaign contributions has intensified.

It didn't help that, last year, a Cosco ship was involved in the seizure of assault weapons smuggled into Oakland (Cosco was not charged in the case). Or that Wang Ju, the president of the company government officials think may have manufactured the guns, attended a White House coffee with President Bill Clinton. Or that Johnny Chung, a Chinese-American businessman whose contributions to the Democratic National Committee have come under scrutiny, brought Hongye Zheng, a Cosco advisor, to the White House for a Clinton radio address.

Purposefully or not, the insinuations and charged political rhetoric which now permeate the debate over the Cosco lease can have a long-term negative impact. California is poised — indeed required — to reach out to its neighbors on the Pacific Rim. Southern California's now-thriving ports and its economic recovery depend, in no small part, on the ability to tap into these Asian markets. China is the L.A. region's second-largest trading partner; around $18 billion worth of cargo moves between Los Angeles and China. Cosco handles 25 percent of that trade. That's one of the reasons, despite the furor over China's status, the Long Beach Harbor Commission voted to reconfirm the Cosco deal.

Jack Kyser, chief economist at the Economic Development Corporation, worries that "[t]here is a new wave of neo-isolationism that seems to be sweeping the United States, and it's a very dangerous wave for Southern California." The political health of the state, and its economic well-being, depend on California's ability to embrace the new immigrants streaming in from around the Pacific Rim.

In addition, Asian-Americans are currently feeling angry — some say persecuted — because of campaign-financing probes which swirl around contributors with Asian-sounding names. The political alienation of this growing constituency could have a chilling effect on representative democracy.

There are indications that part of the fallout from the funding controversy has been a backing away by the Clinton White House from appointing Asian-Americans (including UC Berkeley Chancellor Chang-Lin Tien — a finalist for Energy Secretary) to high-level government posts. And FBI investigations of questionable fund-raising are honing in on southern California; numerous contributors from L.A.'s Asian-American community have already been queried by the now-skittish Democratic National Committee about their citizenship and other qualifications to contribute. "These tactics," argued John C. Chung, the president of the Korean Bar Association in Los Angeles, "are sending the message: 'If you're an Asian, you have to prove you're entitled to participate.'"

Whether economics or politics ultimately win out — and no matter what function the Naval Station ultimately serves, one thing is clear: The economic fortunes of trading partners are linked to the political trust that exists between them. The Los Angeles region and California risk much if their leaders pull back from Asia to escape the nasty political winds which now buffet the land.

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Environmental

Byron Sher

The ideologiccal tension betwe jobs is personified in Sacramen from Palo Alto and a conservati

By Mark Simon

Byron Sher is first and foremost a law professor. A Stanford law professor by way of Harvard Law School. He used to teach contracts, that great first-year equalizer by which many law schools drive students out of the profession.

This is worth remembering when you consider Sher as the Legislature's leading environmentalist and author of most of the state's landmark environmental law in the last two decades.

His passion is more for the law than the object of the law.

He is less committed to trees than to the idea of trees.

"I'm not a big mountaineer," says Sher. "But I enjoy the outdoors and I think I just realized it provides a lot of benefits to us that we need."

He said he recalls being heavily influenced by the landmark environmental treatise "Silent Spring," by Rachel Carson.

Then, lest he appear to be pouring his guts out, Sher adds. "It's not a

Continued on page 32

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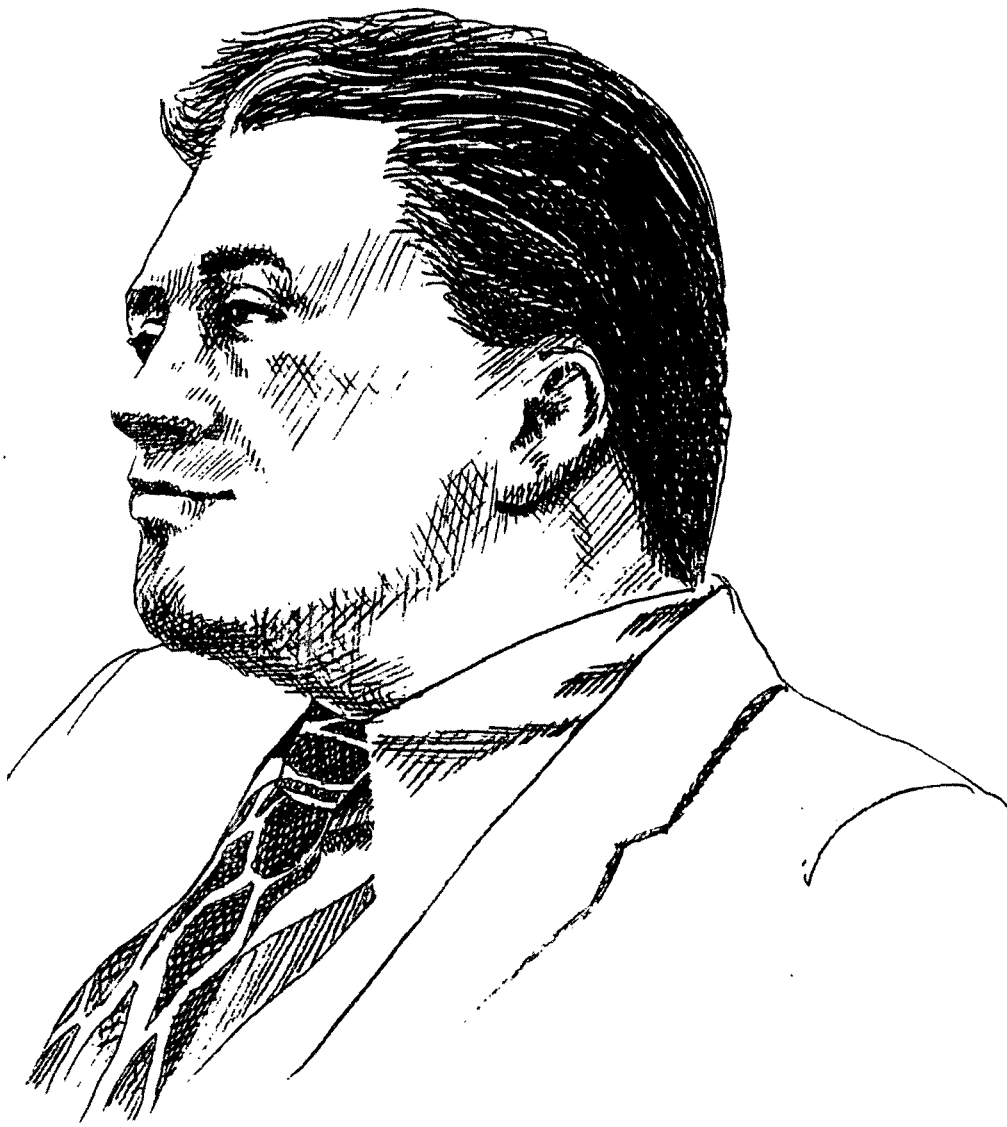
Opposites

e environment and protecting
| two men — a liberal senator
ssemblyman from the High Desert

Keith Olberg

by Sigrid Bathen



Even amor g h s critics — and there are many — Ass mblyman Keith Olberg (R-Victorvi le) has a respectful, albeit cautious, follc wing. Elected in 1994 to represent he largest, doubtless most desolate A se nbly district in California — encomp as ing the High Desert regions of Ke rn, Inyo and San Bernardino counties ar d i ncluding Death Valley — the 36-yea -old Ph.D. in constitutional law and poli ical policy has rapidly earned him sel a key role in the contentious, high y p artisan lower house.

Often ne ntioned as a possible successor to A sse mbly Republican Leader Curt Pringl e (R-Garden Grove) — who is one of Olb erg's two roommates in Sacramento (t ne other is another major player in A sse mbly leadership circles, Republicar Ch arles "Chuck" Poochigian of Fresno) — Olberg in many ways defies simp list c categorization. Though well-know n f or his long-standing desire to cha ng California's near-sacrosanct End ng ered Species Act — a position which earns him the instant animus of the state's powerful environ-

Illustrations by Norm Hines

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To have a relatively clean environment, you have to have a sound economy. Obviously, restrictions are required, but there has to be a balance.

— Olberg

mental and wildlife protection groups — even his critics say he is extraordinarily well-read and neither rigid nor unapproachable.

"In terms of style, Olberg is very impressive," says longtime environmental political consultant Leo McElroy, a former TV reporter who has managed several high-profile environmental campaigns, including successful opposition to the 1995 initiative to relax the ban on mountain lion hunting. "At the time he was a freshman but obviously knew how the Legislature worked, the rules of order, legislative procedure. He had obviously taken the time to read the bills and asked some tough, probing questions."

Environmentalists on the opposite side of legislative issues sometimes liken him, oddly enough, to two diehard legislative liberals, former Assemblymen Lloyd Connelly and Phil Isenberg, both known for their keen intellects and thorough preparation. "Isenberg always knew where all the i's were dotted and the t's crossed," says McElroy. "I see that in Olberg. I also see the ability to be tough without being showy. We've got guys in that place who believe that being tough means bellowing. Olberg doesn't need to. He can be tough, but it's a well-informed toughness."

Some say with an edge of irony that Olberg may, like Isenberg, be, well, *too* bright, too exhaustively well-prepared, for long-term leadership success in the upper reaches of the lower house — the theory being that the *really smart* legislators like Isenberg, who could become impatient with lesser folk when they didn't pick up on his command of the details, sometimes alienate friends as well as foes. And, they say, while legendary Speaker Willie Brown was clearly no intellectual slouch, he was also wily, a master of high-stakes, behind-the-scenes political game-playing. Olberg, they say, may lack the necessary caginess to rise to the heights of political power in the lower house. "He may just be a little too sharp," says one experienced political observer who, like others, is intrigued by Olberg's straightforward, what-you-see-is-what-you-get persona. "I'm not sure what winds his clock. He may be an ideologue down underneath, but he doesn't betray his ideology with his rhetoric. His actions seem basically well-grounded. Motives are another thing."

Dominating one wall of the reception area in Olberg's fourth-floor Capitol office is a huge, striking, sepia-toned photograph of an 1890s-era 20-mule team hauling borax through the Mojave Desert near Barstow. In a smaller photograph, Ronald Reagan, narrator of the popular 1950s television show, "Death Valley Days," is pictured in the foreground, a TV version of the 20-mule team stirring up desert dust behind him. They are appropriate mementoes of Olberg's vast 34th Assembly district, where the harsh surroundings spawn a self-reliant brand of conservative voters who tend to be pro-gun, anti-abortion, fundamentalist Christian, partial to a government that stays out of their business and off their property.

Olberg has a long history of involvement in conservative politics locally and in Washington, D.C., where he worked for the Reagan and Bush administrations — and did a stint as a staffer in the House of Representatives, working for a deposed U.S. congressman with the unfortunate name of Pat Swindall (R-Georgia). Swindall was indicted in 1988 for taking an illegal contribution. Olberg left Swindall's employ before the latter's legal problems.

Of reports that he has "mellowed" in his first years in the Assembly — tempering his initial impatience with the glacial pace of legislative processes — Olberg expresses frustration that "so many disingenuous games are played in Sacramento. That is not new to me, but it was foreign. It became more obvious to me that politics are relationships. If I erred early-on, it was in that way."

And clearly, with a Democratic majority in both houses, Olberg recognizes that, as one Senate Democratic staffer put it, "he isn't going to get anything done" if he is intractable on the issues. "In the beginning, you had the sense that he was frustrated with the Democratic process, which involves compromise," says that staffer. "He smolders over the difficulty of getting things done, one of those guys who came in and thought everybody would roll over. Some of this is simply freshman hubris."

Freshman hubris or not, Olberg, a quick study, saw his bill proposing changes in the Endangered Species Act killed in the Democrat-controlled Senate at the close of last year's session. This year, with Democratic majorities in both houses, Olberg relinquished the vice-chairmanship of Assembly Natural Resources, which he chaired last session, to serve on Assembly Rules — a sign, some say, that he is focusing this session on leadership issues. "I'm focused," Olberg says, "on regaining a majority in the Assembly."

When Olberg chaired the resources committee, his formidable adversary was longtime former chair Byron Sher (D-Palo Alto), a staunch environmentalist who was elected to the Senate last year and now chairs the Senate Environmental Quality Committee. Needless to say, the two often disagreed on environmental issues. "Olberg was kind of a Johnny one-note on the Endangered Species Act," observes one longtime legislative staffer familiar with the committee debates. "That's not to say that he didn't have influence."

In some ways, Sher and Olberg have a lot in common. They both hold advanced academic degrees — Sher is a lawyer and Stanford law school professor — and both have reputations as articulate and well-read. Olberg says Sher has expressed interest in "continuing the dialogue" on endangered species issues and calls Sher "a significant legislator."

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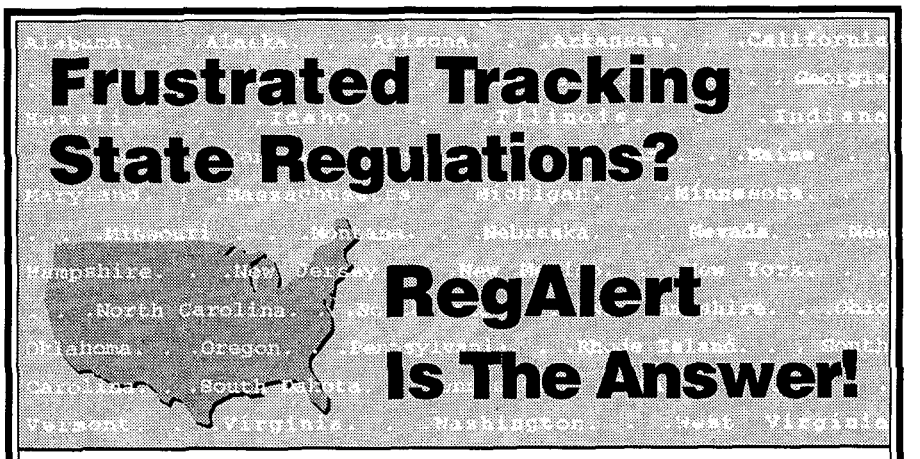
Perhaps signaling his interest in broadening his reach, Olberg also has ventured legislatively into other issues such as welfare reform and public safety. He insists he has never been a "Johnny one-note," and that his interest in modifying the Endangered Species Act — including the protection of property owners who inadvertently "take" an endangered species in the course of, say, ploughing their fields — is consistent with his general views about constitutional protections for private property rights. His doctoral dissertation at Claremont Graduate School was on the constitutional right to privacy, and the theme of individual rights is fundamental to his political philosophy.

"My interest in obtaining the Ph.D. was understanding the Constitution as it was written," says Olberg, who also holds a Master's degree in comparative politics from American University and a B.A. in political science from Bethel College. He said he focused on "the whole question about what private and privacy means and what the pursuit of happiness really meant during the founding [of the country], what the concept of liberty meant, and how all of that related to the question of virtue ... Central to the dissertation and to self-government in the democratic sense of the term is the whole concept of private property."

Born in Chicago, Olberg is one of four children of parents who are both college professors — his father teaches educational psychology at Northern Illinois University, and his mother teaches nursing in a community college. "My folks think I'm insane for venturing into the political world," says Olberg. He moved to the High Desert — his home is in Victorville — in 1990, serving as governmental relations director for the High Desert Division of the Building Industry Association. His wife Lisa and their two young children, a 5-year-old daughter and 7-year-old son, join him in Sacramento as often as possible. "It's a daily struggle," he said of the pressures of political life on families. "I am constantly aware that they are not with me... There are times when we certainly pull back. There has to be a balance."

Stung at times by the anti-environmentalist label, Olberg says he is "no more interested in living in a dirty environment than the next guy . . . I've always been an avid outdoorsman, a hiker, a swimmer. I appreciate a clean environment and want it to be preserved." He recalls a cable television forum on environmental issues with state Resources Agency Secretary Doug Wheeler and Senator Tom Hayden (D-Los Angeles): "Tom and I have a completely different perspective, but I find his approach to public policy interesting." When the subject of smog-choked Calcutta, India, was raised, Olberg used it as an example of how a poor economy begets a lousy environment: "To have a relatively clean environment, you have to have a sound economy. Obviously, restrictions are required, but there has to be a balance."

A difficult subject, he adds ruefully, to address with any thoroughness in a 30-minute commercial-laden TV show. "It was an interesting dialogue," he mused, sounding more like the Claremont Ph.D. than the politician. "But you can only scratch the surface."



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religious philosophy. I believe the planet and the diversity of the species are important for a lot of reasons, and we need to try to preserve that diversity."

Sher, 69, a Democrat from Palo Alto, has been preserving his view of planetary diversity for nearly 17 years. Elected to the Assembly in 1980, he assumed the chairmanship of the Assembly Natural Resources Committee in 1985, holding the post until 1995, when Republicans finally gained control of the lower house.

Last year, he was elected to the state Senate in a special election to replace Republican Tom Campbell, who had been elected to Congress. He represents the 11th District, which takes in southern San Mateo County and northwestern Santa Clara County, including a sizeable chunk of Silicon Valley.

Re-elected to a full term later in the year, Sher chairs the newly formed Senate Environmental Quality Committee, which gives him oversight over the California Environmental Quality Act, a law he fought to preserve from Republican inroads during the recession of the late 1980s and the short-lived period of Republican Assembly control in the mid-1990s.

There isn't a single significant environmental law approved since 1980 that he didn't author or considerably shape.

He wrote the California Clean Air Act, the Safe Drinking Water Act and the Integrated Waste Management Act, which opened the way for curbside recycling. Sher once described the waste management bill as the one with the widest impact on the state.

He wrote the state's first law setting standards for underground storage of toxics, a bill authored with the cooperation of the high tech industry, and has written legislation to add several waterways and streams to the state Wild and Scenic River system.

In 1990, he wrote the "Sierra Accord," which established restrictions on clearcutting, protected ancient forests and imposed requirements on the timber industry that they engage in logging practices that will sustain the forests. Governor Pete Wilson vetoed the bill, and Sher says he'll introduce it again.

For all of this, Sher says he thinks he's somewhere in the middle of the spectrum on environmental issues — that he has been sensitive to the fears of business that environmental laws make it hard for them to stay alive.

The Clean Air Act, for example, tried to take into account that most of the air pollution is caused by cars, not factories, and that some parts of the state are cleaner than others and should be allowed to exist under less stringent restrictions, Sher said.

"When we finished with that bill, we had a lot of industry support," Sher said.

The "Sierra Accord," for another example, included a provision giving lumber companies long-term permits "to give the industry certainty as to what logging they were permitted to do," Sher said.

"If you talk to my constituents in Silicon Valley, they know I don't want to make these things expensive or hard to understand. I think my industry shares my objective of protecting the air and the water and the land. They just want to know what's expected of them and not have it be a lot of busywork paperwork," Sher said.

Sher also noted that many of his landmark bills had Republican support and most of them were signed by Republican Governor George Deukmejian.

He noted that even during the brief Republican majority, he continued to win passage of bills with bipartisan support and that every bill of his that was passed in 1996 was signed by Governor Wilson.

But Sher's tenure has not been all environmental initiatives.

During the recession of the late 1980s, he said he spent most of his time beating back efforts by industry to undo much of the legislation already on the books.

"When the recession was deep, that's the kind of period when people try to make changes they think will allegedly help the business community," Sher said. "A lot of bills were introduced to undo some of our landmark bills. We were in a defensive mode. Some of the interest groups thought it was a good time to get rid of these laws in the first place and blame it on the recession."

But it's a falsehood to believe strong environmental bills hamper business, Sher said, quoting from a favorite Bank of America study showing that the states with the strongest environmental laws tend to have the strongest economies.

That idea ran directly counter to the driving philosophy of Assemblyman Keith Olberg (R-Victorville), the vice chairman of the Assembly Natural Resources Committee during the latter days of Sher's tenure, and then chairman in 1996 when the GOP finally gained control of the lower house.

"There was a lot of tension that year," Sher said, little of it personal, but most of it philosophical.

Olberg wrote a doctoral thesis on

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the negative effects on business of the Endangered Species Act and came to the committee, according to Sher, determined to do something about it, even though "that issue was not within the jurisdiction of the committee. ... He is really a strong advocate of views I don't share on that subject."

Among them, the belief that Sher's pet recycling laws ought to be industry driven, not mandated by state government.

But when Sher left the Assembly, Olberg gave him an Ansel Adams photo, and it hangs in Sher's Capitol office.

"I like him," Sher said. "He's on one end of the spectrum and I like to regard myself as in the middle."

Such equanimity may be born of Sher's current stature — back in a chairman's seat with a chance to control the agenda.

When he first arrived in the Senate in March 1996 he caught up with many of the Assembly bills he had opposed just weeks and months before.

"There were a lot of anti-environmental bills which I voted against and lost," Sher said. In the Senate, he said, most of those bills "were either changed into acceptable form or died."

He insists that his Senate committee is not a place where he'll bottle up bills, "but I think there are a lot of bills introduced by people who just as soon would never see these things enacted in the first place," Sher said.

Still, the chairmanship is a place to stake out new ground, and Sher has a long list of things he'd like to do — update the forestry laws and take another run at the "Sierra Accord"; succeed in putting together a plan for the preservation of the Headwaters forests; revisit his landmark underground tank law; revise and improve the fee structure for hazardous waste disposal so that it's fairer to industry; press forward on cleaning up the state's many Superfund sites; and author some new parkland acquisition bonds.

"It remains to be seen what we can do this year," Sher said. "I plan to try at least in some areas to be pro-active.

"I see opportunities here, but we do still have a narrow majority in the Assembly. In the Senate, I'm learning here. We do have a Democratic majority, but that doesn't necessarily mean we have a majority who want to make major changes in the environmental laws."

So Sher will push and prod and quietly make his case, a case that often is listened to entirely because it lacks fiery passion.

"I don't regard myself as a confrontational kind of person and I try not to be that way," said Sher.

It's a style he learned on the Palo Alto City Council, where he got his start in politics in the 1960s, including his first taste of grappling with environmental issues. It's a liberal community and people there proudly claim Palo Alto as the birthplace of the environmental movement.

"The most successful people here have had the local government experiences, which are consensus driven," said Sher. "I've tried to bring that to Sacramento and learn to work with all the people up here."

Mark Simon is a reporter who works in the Peninsula Bureau of the San Francisco Chronicle.

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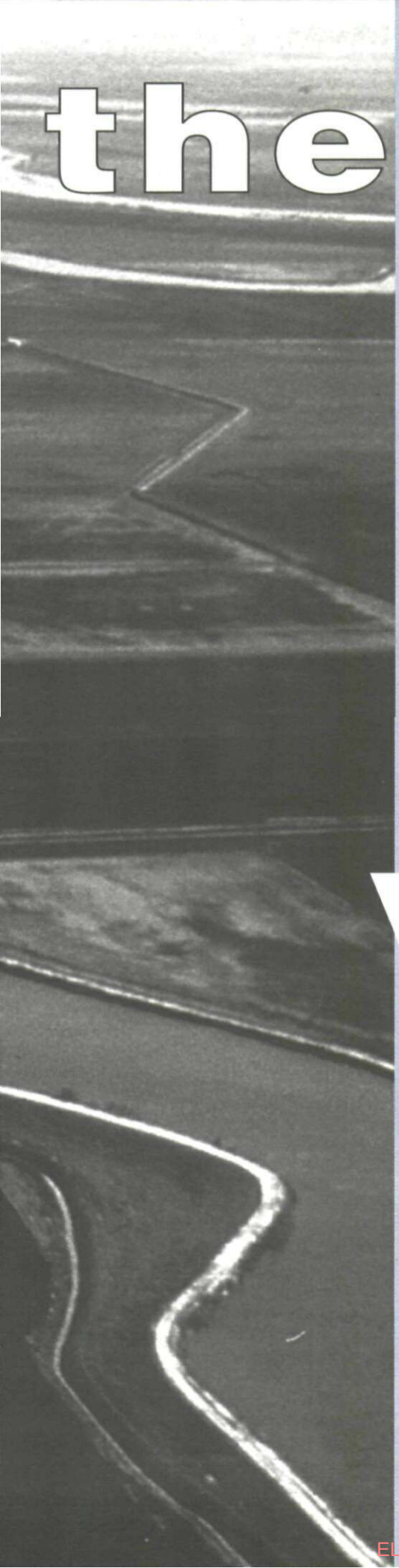

the Delta

With the state's aquatic nexus wasting away from neglect and overuse, California's water warriors rallied around a peace process to bring it back. But as decision time approaches, old orthodoxies are dying hard.

by Steve Scott

Viewed on a boat at the level of its gently surging water, the Sacramento-San Joaquin River Delta is the epitome of serene escape. Every bend in the river brings the promise of a tree-shrouded slough in which to peek, or a windblasted marina at which to light for a rest. If the adventurer's conveyance of choice is the automobile, a very different, but no less extraordinary picture emerges — an agricultural expanse of remarkable variety. Pears, grapes, walnuts, sugar beets, and row after row of corn stretch for miles, broken up only by the occasional barn or the bumper crop of radio, television, and cellular-phone towers which picket the landscape.

This labrynthine estuary, an expansive interconnection of San Francisco Bay with the Sacramento and San Joaquin Rivers, is the largest on the west coast of North America. More than 700 miles of sloughs, channels, and rivers snake through 57 levee-protected islands, all of it running through the heart of more than a half-million acres of farmland. The Delta is the aorta which pumps drinking water to more than 20 million Californians and irrigation water to nearly 5 million acres of farmland in the Central Valley. Yet, surprisingly few Californians are aware of it, or its importance. Most residents would probably place "the Delta" somewhere in the vicinity of New Orleans.

The days of taking California's Delta for granted may have finally ended. For the last year and a half, state and federal officials have been on a quest to find a way to preserve the future of this fragile and essential water system. CALFED (a contraction of the California Water Policy Council and the Federal Ecosystem Directorate) involves ten government agencies (five state and five

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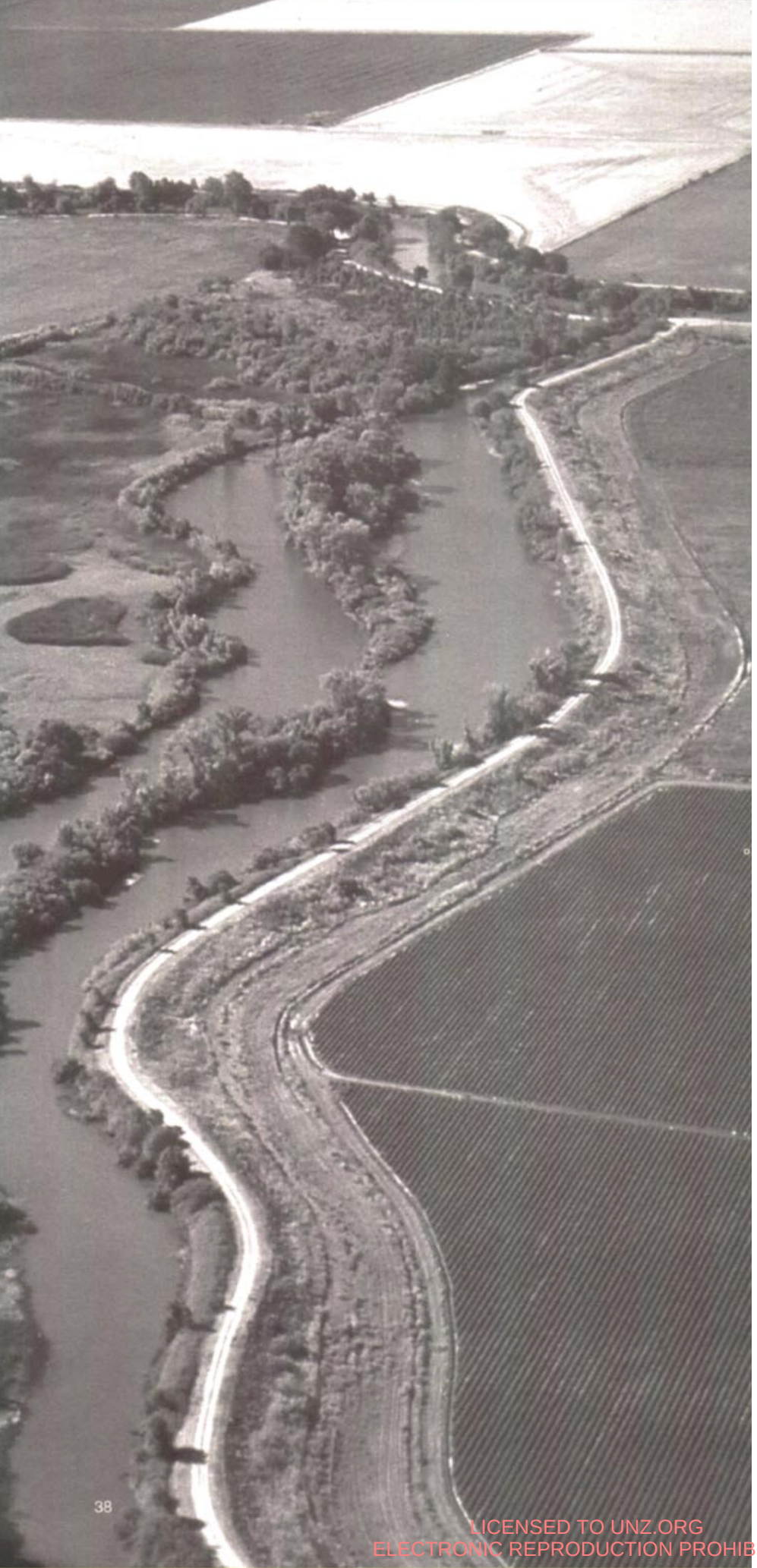

federal) and a host of what are referred to as "stakeholder" groups — those whose livelihoods or environmental concerns center around this all-important water system (see "CALFED At A Glance," page 37).

CALFED's mission is arguably the most important facing any public entity in the state: Find a solution that saves the Delta, while at the same time insures the long-term water needs for its downstate dependents. Find the $4 billion to $8 billion that will be needed to implement the restoration over the next quarter century. Improve the quality of the water that flows out of the Delta. And do it all by reaching a consensus among the same stakeholders who've been fighting each other for 20 years.

"This is one of the biggest resource management programs ever considered by human beings," said Gary Bobker, senior policy analyst for The Bay Institute of San Francisco, an environmental research and advocacy organization.

That something like CALFED even exists is a measure of the Delta's desperate straits. Like Florida's Everglades, the Sacramento-San Joaquin River Delta is being suffocated in slow motion by the relentless demands of a growing state. The southward and westward siphoning of fresh water from the Delta, combined with a crippling five-year drought in the late 1980s and early 1990s and the drainage from agricultural land, have changed the salinity of the Delta waters, choking off aquatic and wildlife habitat. The result has been declines in several fish species — notably the winter-run chinook salmon and the tiny delta smelt, not to mention a decline in the quality of the water which the Delta's pumping stations squeeze southward.

"The overarching impression is of an ecosystem in decline," said Douglas Wheeler, secretary of the state Resources Agency. "It's not just that we're pumping water through the Delta, it's that the population has doubled, and land use adjacent to the Delta has changed. Rivers are dammed that used to be free flowing. All of those are contributing to the Delta's decline."

Corresponding with the breakdown of the environmental ecosystem was the breakdown in what Wheeler calls the "institutional ecosystem." Beginning with the bruising, and losing, effort in 1982 to construct the infamous

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Peripheral Canal (See *CJ*, May 1982), water politics in California have been marked by contentiousness and mistrust among the stakeholders. Much of the state's water policy winds up being made in the courts. Water users accuse environmentalists of using the Endangered Species Act as a "blunt instrument" against them. Environmentalists say the water users' political connections have allowed them to blow off ecological considerations in their relentless thirst for more water. Then there was the almost impenetrable jurisdictional stalemate between the state and federal governments over who had the authority to decide the water quality standards for the rapidly-worsening Delta.

"We had several years where the state and federal entities were having problems with each other," said Hap Dunning, an environmental law professor at the University of California, Davis Law School. "The [Environmental Protection Agency] was drafting its own standards, and the state was saying, 'You don't have the jurisdiction.'"

Faced with the consequences of drought, overuse, and their own inability to communicate, the major players finally sat down together to see if they could find some common ground. The result was the 1994 Bay-Delta Accord. Signed by Governor Pete Wilson, U.S. Interior Secretary Bruce Babbitt, and EPA Administrator Carol Browner, the accord set aside an average of 1 million acre-feet of water a year to keep river flows high enough to begin restoring the Delta's environmental integrity (an "acre-foot" equates to 326,000 gallons, considered enough water to supply the needs of an average family for a year).

The Bay-Delta Accord also set a three-year time frame in which CALFED would be assigned to develop a long-term solution which revives the Delta's crumbling ecosystem, improves water quality, provides for more reliable water delivery, and shores up the Delta levees to prevent catastrophic flood damage like that seen this past winter.

"I think everyone would agree that this is the game," said Steve Hall, executive director of the Association of California Water Agencies (ACWA). "This is where we win or lose in the Delta."

The first phase of the process, which ran from summer of 1995 to summer of 1996, established a mission statement and a set of guiding principles. Working in conjunction with the

CALFED At A Glance

The Agencies

State
- Resources Agency
- Department of Water Resources
- Department of Fish and Game
- Cal-EPA
- State Water Resources Control Board

Federal
- Department of Interior
- Bureau of Reclamation
- Fish and Wildlife Service
- U.S. EPA
- National Marine Fisheries Service

The Characters

- **Urban Water Districts.** Represent the bulk of 22 million residents who get water from Delta. Favor increased flows from Delta, ready to pay for it. Major players: Metropolitan Water District, East Bay MUD, Contra Costa Water District
- **Central Valley Agriculture.** Largely water agencies which service agricultural water recipients. Also favor increased flows, but wants guarantees before putting up money. Examples: Kern Count Water Agency, San Luis and Delta Mendota Agency, Friant Water Authority
- **Environmentalists.** Wielders of the big legal stick (the Endangered Species Act) and not afraid to use it. Supports Delta fisheries and habitat restoration over increased flows. Major players: Environmental Defense Fund, Natural Resources Defense Council, Bay Institute of San Francisco
- **In-Delta Agriculture.** Farmers who till the land in and around the Delta itself. More family farm oriented than Central Valley agriculture. Bitterly oppose any type of off-Delta facility (i.e. a peripheral canal). Examples: North and South Delta Water Agencies, Delta Protection Commission
- **Commercial and Sport Fishing.** Have seen livelihoods dwindle as commercial species suffer from reduced flows. Oppose off-stream diversions and favor capping or reducing exports from the Delta. Example: Pacific Coast Federation of Fishermen's Association.
- **Business Community.** Not active in drafting solutions but keenly interested, in that the bulk of the state's economy depends on the water that comes from the Delta. Most probably favor increased flows as well as extensions of Delta exports to new areas. Examples: Chamber of Commerce, Bay Area Economic Forum
- **"Donor" Districts.** Largely Northern California counties from which the water that flows through the Delta originates. Concerned about any agreement which threatens their own access to water or forces them to change their traditional storage patterns. Example: Regional Council of Rural Counties

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Bay Delta Advisory Council (BDAC), a 33-member panel made up of the stakeholders, CALFED produced a report which outlined three alternative solutions to the Delta's short- and long-term problems. One alternative would leave the Delta more or less as it is, one involves widening and deepening the Delta to allow more water to pour through it, and the third involves construction of what used to be called a peripheral canal, but has been newly re-christened an "isolated conveyance facility." (For more detail on the alternatives, see "The Choices," p 40).

The one aspect which all the alternatives share is a commitment to ecosystem restoration, and it was on this point that the process scored its first big success. Building on the warm fuzzies that emerged from the signing of the Bay Delta Accord, the stakeholders sat down again and worked out a package of about $900 million worth of ecosystem restoration projects for the estuary. About $600 million of the money needed to fund the projects was included in last year's Proposition 204 which, at nearly $1 billion, was largest water bond in the state's history. Thanks to a united support campaign from all of the previously warring stakeholder factions, Proposition 204 was placed on the ballot by a nearly unanimous vote, and won easily in November, paving the way for another $143 million in federal funding which President Bill Clinton has included in his 1997-98 budget proposal.

"Things like 204 are definitely shots in the arm," said David Yardas with the Environmental Defense Fund. "It's pretty clear from that exercise that there's a power beyond the sum of the additional parts if we can get on the same page."

Since Proposition 204's passage in November, however, the pages have been blowing around a little bit, disquieting what had, until then, been a remarkable level of commitment on the part of all involved. The first hint of trouble came right around the time of the election, when representatives of the urban and agricultural water agencies floated the idea of forming a "working group" separate from CALFED and its stakeholder input arm, the BDAC. When environmentalists hesitated about joining the effort, urban and agriculture water agencies went ahead by themselves."We recognized it would be a good use of resources to reduce differences within our own community," said Tim Quinn, deputy general manager of The Metropolitan Water District of Southern California, the 800-pound gorilla of the urban water users.

"There are no hidden agendas," insisted Tom Clark, director of the Kern County Water Agency and a leader on the agriculture side. "We're trying to come together in an open way to resolve these issues."

To many environmentalists, though, the agenda seemed crystal clear — an "end-around" the CALFED process. Their apprehensions were further fueled when the working group hired a facilitator who had negotiated a deal that some considered a step backward from the openness of CALFED. The final straw came with the circulation of a memo to MWD's board of directors which suggested the working group's main objective was to "develop a solution package to present to CALFED and other stakeholders as a foundation for discussion."

"We don't want some sort of

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shadow government here," said Gary Bobker of the Bay Institute of San Francisco. "We don't want to go back into a back room and come up with a preferred alternative."

If the environmental community had its buttons pushed by the working group, they proved they were capable of doing some button-pushing of their own. In late February, the loose coalition of environmental groups, organized under the banner of the Environmental Water Caucus, fired off a letter to Lester Snow, CALFED's executive director. The letter proclaimed any proposal that "fails to cap and ultimately reduce" exports from the Delta is "doomed to failure." Its accompanying "criteria for analysis" also poured cold water on the idea of an isolated conveyance facility (i.e. peripheral canal), suggesting the alternative relies "on a number of unproven assumptions." Some of the letter's signatories insist it does not constitute an outright rejection of new facilities, but they concede their intent was to send a clear signal about what it would take to sell the idea.

"We're highly skeptical about facilities as being appropriate," said EDF's David Yarcas. "The bar is going to be pretty high from our point of view. The proponents have not made the case."

While the letter was addressed to Snow, its biggest impact was felt in the agriculture and urban camps. Both saw it as an ominous regression to the rhetoric of the water wars of the 1980s and early 1990s. The letter, in their view, bordered on a repudiation of all the painstaking bridge-building that had been done since the 1994 Bay Delta Accord.

"That was greatly disturbing to myself and a number of other people," said Quinn. "That letter said to us, 'My God, you guys [environmentalists] are still stuck back in 1992.'"

In addition to the renewed signs of tension among the key players, there are still some within the stakeholder community who have their doubts about the CALFED process itself. Many environmentalists complain that CALFED has placed too much emphasis on researching structural fixes to meet the demand for more water, at the expense of less intrusive approaches, such as conservation, water marketing, and the forced retirement of some Central Valley agricultural land. "There's been a concern that some of the less traditional, less structural options have either been removed from consideration or aren't receiving the attention they really deserve," said Bobker. This apparent tilt away from market-based approaches has some skeptics wondering whether "the fix is in" for some kind of isolated conveyance facility.

"I don't think [the hidden agenda] is all that hidden," said Zeke Grader, executive director of the Pacific Coast Federation of Fishermen's Association. "There are some groups that are trying to make another run at a peripheral canal."

The agricultural community also has its share of skeptics. Chief among

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The Choices
Three alternatives for restoring the Delta:

Existing Through-Delta
- Few physical modifications to Delta
- Pumping timed to reduce impact on wildlife
- Emphasis on conservation, water marketing
- Emphasis on upstream storage
- Improved pump screens to protect fish
- Preferred by environmentalists

Modified Through-Delta
- Physical modifications to Delta itself, ranging from dredging channels to reconfiguration of channels
- Pumps operate at full capacity
- Possible new diversion on Sac. River
- Upstream and offstream (south of Delta) storage
- Preferred by in-Delta agriculture

Dual System
- Physical modifications to Delta plus construction of isolated conveyance to divert water around Delta
- Ideas range from "chain of lakes" to carry water through Delta to revived peripheral canal
- Modifications to existing Delta channels
- Increased upstream and offstream (south of Delta) storage
- Preferred by Central Valley agriculture and urban water users

these are the farmers whose rich and varied products are grown within the Delta itself. The Delta farmers were instrumental in defeating the Peripheral Canal initiative in 1982 and have made no secret of their disdain for the idea this time out. Many believe their interests will wind up being drowned out by the booming voice of corporate agriculture.

"I think people from other areas see the Delta as this big vacant lot," said Margit Aramburu, director of the Delta Protection Commission. "But it's not just undeveloped property. It's family history, over 100 years of community, and it's a key part of California's biggest industry."

Why are all these tensions bubbling to the surface now? Simple. The rubber is getting closer and closer to finally hitting the road. By November of this year, CALFED is scheduled to release what it calls a "draft preferred alternative" — in other words, a tentative first choice. With even a tentative decision drawing closer, few are surprised that these dormant orthodoxies are starting to emerge.

"Early on, when we said there

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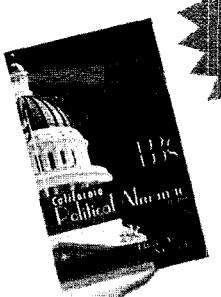

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were no preferred approaches, everyone agreed intellectually," said CALFED executive director Snow. "As we move to more detail, we see people move back to 'our way is right, your way is wrong.'"

Snow, the Solomon who must somehow find a way to make everyone happy, says the skeptics who believe the process is cooked in favor of additional facilities are simply wrong. The clearest indication of the fairness of the process, he maintains, is the simple fact that none of the players has, as yet, walked away from it. Even more impressive to many than the unprecedented buy-in from the stakeholders is the degree to which the various government agencies have been able to work together.

"Clearly the fact that the state and the federal government have come together is a huge plus," said Clark. "What we've always dealt with historically is the state and federal governments operating independently of one another and at times at cross purposes. They truly are the decision makers here."

If they are the "decision makers," they have plenty of decisions ahead of them. Even if CALFED is somehow able to cajole enough stakeholders to go along with its ultimate preferred solution, there is still the question of exactly who is going to pay for all these improvements. Depending on which solution is proposed, that could be anywhere from a $4 billion question to an $8 billion question. There is broad consensus that anything which directly affects the environmental health of the Delta should be paid for out of bond funds — all of the CALFED-related monies in Proposition 204 are earmarked for environmental restoration and repair.

When it comes to additional transfer facilities, though, the view gets murkier. Environmentalists and the state believe the entire tab for any increase in water supply should be borne by the water users themselves. "It is clearly unerstood that in one form or another, the water user will pay," said Resources Secretary Wheeler. "We're pretty firm on that."

While insisting they've accepted the fact that they will have to pay for any new facilities, water users tend to talk more about a "mix" of funding alternatives. MWD's Tom Quinn says he expects the users will pick up "a majority" of the costs, and that the urban water users are ready to shoulder their share of the burden. But some in agriculture worry about being saddled with the bill for transfer facilities without getting the guaranteed water supply they are helping to pay for.

"Historically, we've been asked to pay for facilities," noted Clark. "We're locked into the repayment, but the state or federal government decides where the water goes. We're prepared to pay. However, we're only going to pay for benefits received."

If somehow CALFED can slalom around these seemingly endless obstacles and bring in a workable, affordable solution, it will have accomplished what policy makers have only dreamed about for decades — an end to California's nastiest water war. It will have insured the health of the state's most important natural resource. And it may even give Lester Snow a shot at the Nobel Peace Prize.

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Washington Notes

perspective

by Marc Sandalow

Barbara Boxer

Hardly two years ago, when Republicans took the U.S. Congress by storm, Democrats like Barbara Boxer looked like an endangered species.

Partisan, liberal, and with a reputation for grandstanding, Boxer was seen as easy prey by GOP strategists, who longed to recapture a California Senate seat.

But the political landscape has evolved. Republicans are shying away from the California race. Boxer's popularity is on its way up. The latest Field Poll shows she is almost as entrenched as her colleague — Dianne Feinstein — who in Washington is widely regarded as having a Senate seat for life, if she so chooses. Suddenly, a year-and-a-half before election day, Boxer can make a strong case that she is the odds-on favorite.

"Barbara Boxer has made a career out of people underestimating her," said Assemblyman Don Perata (D-Alameda), a veteran political strategist summing up the new conventional wisdom. "I wouldn't bet against a pro-choice, woman incumbent in California."

So what happened in the past two years to make Boxer, the self-described "stranger in the Senate," an Upper Chamber stalwart?

For starters, Boxer has made the most of her party's fall from power. Becoming a member of the minority — something Boxer never experienced during her long tenure in the House — is probably the best thing that ever happened to her.

Members in the majority are rewarded for the legislation they pass. In the minority, they are rewarded for the noise they make. And Barbara Boxer, among other things, has always been a good noise maker. In 1984, it was Boxer who drew attention to a $7,622 coffee pot bought by the Air Force. In 1991, then-Representative Boxer and a group of her colleagues staged a dramatic protest when it appeared that Professor Anita Hill would not be able to air her grievances against Supreme Court nominee Clarence Thomas.

The former Marin County supervisor rarely backs away from confrontation. Boxer turned the GOP's reluctance to scrutinize Senator Bob Packwood's sexual advances into a national embarrassment for the party. She has repeatedly taken to the Senate floor to defend against any encroachment on a woman's right to an abortion.

And now, the flow of news releases from her office has quickened like a stream approaching rapids. "Boxer seeks to ban junk guns"; "Boxer to protect pension plans"; Boxer unveils measure to combat domestic violence"; "Boxer to introduce Mammography Standards Act."

Boxer's penchant for populist measures has earned her scorn from conservative groups and rave reviews from consumers. What is clear is that she relishes the role. A four-foot-eleven inch dynamo in an exclusive club still dominated by white males, Boxer has parlayed her distinctive image into a national reputation.

Her participation at fund raisers from Michigan to Maine during the last election has earned her numerous Democratic friends, who are certain to help pay her back when she needs them over the next year.

There are, of course, other advantages of incumbency. Late last fall, Boxer persuaded Feinstein to hand over her seat on the influential Appropriations Committee to assist her through the election cycle. Boxer also was appointed the ranking member on a new banking subcommittee dealing with electronics and high technology. Such appointments make it easier for Boxer to raise the $15 million to $20 million she will likely need to defend her seat.

Boxer has also taken some subtle steps to shed her image as a big liberal. Demands for new government initiatives have been replaced by moderate sounding talk of a balanced budget, and Boxer's recent legislation focuses on inexpensive health and safety regulations. In truth, Boxer has probably never been as liberal as her reputation. Ideas such as sending the national guard to the border to combat illegal immigration and a pay-as-you-go budget have never been popular with the left.

Finally, Boxer looks strong compared to the opposition. The latest Field Poll showed her far ahead of all prospective challengers. The Republican who comes closest — and it isn't that close — is Bay Area Representative Tom Campbell, who insists he is not running.

State Treasurer Matt Fong has already raised several million dollars, and is the favorite in some GOP circles. In Washington, there is much talk of challenges from two rising stars in the House, Representatives Chris Cox (R-Newport Beach) and David Dreier (R-San Dimas). Both are considered smart conservatives, and both are loyal lieutenants of House Speaker Newt Gingrich.

One potentially troublesome challenger is San Diego Mayor Susan Golding, who gained some notoriety after successfully hosting the Republican National Convention in August. Golding, a pro-choice moderate, recently announced the formation of an exploratory committee and she has hired on Pete Wilson's campaign team. Although she recently faced protests for her handling of a $78 million stadium renovation, Republicans may find it appealing to nominate a woman.

Of course it is too early to take the poll numbers seriously. Boxer herself was relatively unknown outside the Bay Area the year before her 1992 victory over Bruce Herschenson. And there is still plenty of time for others to challenge. Michael Huffington proved that enough money can bring any candidate to the brink of victory.

But it is increasingly clear that Republicans face a formidable task in breaking the Democrats hold on California's Senate seats, and that Boxer cannot be dismissed when she optimistically talks about winning a second term.

Marc Sandalow is the San Francisco Chronicle's *Washington bureau chief.*

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WEDNESDAY, OCTOBER 30, 1996

Southland Smog Drops to Lowest Level in Decades

■ **Environment:** Fewer Stage One alerts have been called, although pollution still exceeded health standards on 87 days. Officials credit cleaner-burning gasoline.

By MARLA CONE, TIMES ENVIRONMENTAL WRITER

The Southern California smog season that ends this week has been the best in decades, and air quality officials say the state's new cleaner-burning gasoline deserves much of the credit.

Although the fight against dirty air in the four-county region around Los Angeles has made steady progress, the 1996 season stands out as substantially better than even last year, which had the fewest serious smog episodes in more than 40 years of record-keeping.

Stage One alerts, which indicate severe bouts of pollution, were triggered on seven days, half the number reported last year by the South Coast Air Quality Management District. Health advisories—when residents are warned to limit time outdoors—occurred on 52 days, down from 59 in 1995, according to the agency.

The Los Angeles region also lost one of its most dubious distinctions: The nation's worst smog day this year was in Houston, which hit a peak of 0.26 parts per million of ozone—more than twice the limit deemed healthful under the federal standard and barely edging out May 11 in Crestline in the San Bernardino Mountains.

But the good news, there

Breathing Easier

This year was a landmark one for smog. There were far fewer Stage 1 smog alerts and a decline in health advisories, even compared to 1995, which was a record-breaking year.

*through Oct. 28

150
120
90
60
30
0
121
7
'78 '81 '84 '87 '90

Los Angeles Times

We were there at the beginning. In fact, we *were* the beginning.

This front-page story in the Los Angeles *Times* was good news for all of us. The air in Southern California is cleaner than it was years ago. In fact, cleaner than it was less than a year ago. Officials credit the reformulated gasoline required in California as of June 1, 1996. ARCO pioneered this fuel back in 1989. We're proud that it's chasing smog away, as it was designed to do. And we're thankful to government regulators, auto designers, and the conscientious driving public who have helped make cleaner air a reality, for today and days to come.

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